# Stephens's Report

OF THE ENTIRE PROCEEDINGS IN

# DR. WARREN'S CASE.

PRICE THREE SHILLINGS CLOTH.

# Stephens's Report

OF

# DR. WARREN'S CASE.

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THE ENTIRE PROCEEDINGS

IN THE

## VICE-CHANCELLOR'S COURT,

AND IN THE

## COURT OF CHANCERY,

TOGETHER WITH

## The Judgments

OF THE

## VICE-CHANCELLOR AND THE LORD CHANCELLOR,

AND THE AFFIDAVITS FILED IN THE CAUSE.

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IN TWO PARTS.

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London:

JOHN STEPHENS, 153, FLEET STREET,

SIMPKIN & MARSHALL, STATIONERS'-HALL COURT,

AND ALL OTHER BOOKSELLERS.

1835.

[Entered at Stationers' Hall.]

Printed by John Stephens, 153, Fleet Street.

# Stephens's Report

OF

# DR. WARREN'S CASE.

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A

## FULL REPORT OF THE PROCEEDINGS

IN THE

## VICE-CHANCELLOR'S COURT,

ON SATURDAY, FEBRUARY 28, MONDAY, MARCH 2, AND
TUESDAY, MARCH 3,

CONCERNING

## THE SUSPENSION OF DR. WARREN,

BY THE MANCHESTER SPECIAL DISTRICT MEETING, AND HIS

EXCLUSION FROM THE CHAPELS

IN OLDHAM STREET AND OLDHAM ROAD, MANCHESTER, BY THE TRUSTEES.

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# A FULL REPORT, &c.

## IN THE VICE CHANCELLOR'S COURT.

### WARREN *v.* BURTON AND OTHERS.
### TAYLOR AND OTHERS *v.* FILDES AND OTHERS.

Monday, Feb. 16.

It was fully expected that Dr. Warren's case would have been discussed this day, and Sir W. Horne was in the Court at an early hour, for the purpose of entreating delay on behalf of the defendants. In the course of the afternoon he requested his Honour to allow the motion to stand over till the next seal (Wednesday the 25th inst).

Mr. KNIGHT said that he certainly should require a hearing at the very first opportunity. Sir C. Wetherell, the leading Counsel for the plaintiff, was fully prepared to make his motion immediately on the opening of the next seal.

Sir W. HORNE assured his Honour, and his learned friend, that he had no wish for delay beyond what was absolutely necessary to obtain the requisite affidavits.

Sir C. WETHERELL, on coming into Court just before its rising, intimated that he was prepared to proceed whenever his Honour should think fit.

Mr. KNIGHT again pressed an early hearing, on account of the importance of the case itself, and because due notice of the motion had been for some considerable time before the Court.

Sir W. HORNE repeated that he was doing the best he could, and assured his Honour that no time should be lost.

The motion was accordingly postponed till Wednesday, Feb. 25.

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Wednesday, Feb. 25.

It being generally understood that the case would be discussed this day, a crowd of persons assembled in the avenues of the Court prior to its opening. At ten o'clock the Court was thronged with preachers and people anxious to know the result. Among the preachers were the Revs. Dr. Bunting, R. Newton, T. Lessey, W. Toase, J. Bowers, A. E. Farrar, J. Farrar, W. Tarr, Gualter, Beecham, Hannah, Haswell, Cusworth, Beale, Alder, Hoole, Mason, Bullivant, Blackburn, Bell, Campbell (Tabernacle), &c. &c. Among the lay gentlemen were L. Haslope, Esq., W. Smith, Esq. of Reddish House, J. Wood, Esq. of Manchester, Messrs Fildes, Marriott, Farmer, Calder, Manning, Wilson, &c. &c.

Sir CHARLES WETHERELL, on being called upon by his Honour, the Vice Chancellor, said that the motion which he had to make was of a very special nature. It was on behalf of the Rev. Dr. Warren, an eminent minister of the Wesleyan persuasion, who had been, unwarrantably, as he supposed, prevented from preaching in certain pulpits, to fill which he had been regularly appointed. He had fully prepared himself to open and argue the case on its real merits, but had just learned, to his astonishment, that the opposite party, including many preachers, had, late on the preceding evening, inundated them with several hundred folios of hard swearing. These affidavits it would be necessary for him and his learned friends to read, and, probably before the case could be fully developed, to reply to. For the convenience of all parties, however, he should be glad if an early day were now fixed for the hearing.

Mr. KNIGHT said that he was on the same side as his learned friend, Sir Charles. He also hoped that the Court would order the cause to be gone into with as little delay as possible. Perhaps Saturday would be a convenient day.

His HONOUR said, as the case could not be entered upon that day, why might it not stand over till the following Wednesday?

Mr. KNIGHT replied, that the case was considered of such vast importance that a *Conference*, or rather a *convocation*, was sitting in London upon it. But his client was anxious that his Honour, and not the party he had alluded to, should decide his case. A great number of persons lay and clerical had come from Manchester and other parts of the North, and

heavy expenses were incurred. The case was not only of great importance to Dr. Warren, and the parties immediately concerned, but had excited deep interest among a large portion of the Dissenting body. He hoped, therefore, that the case might not longer be delayed.

Mr. PIGGOTT said that his learned friends complained of the affidavits which had been put in; but the fact was that they had only put in one additional affidavit, and that would have been put in sooner, had it been ready.

His HONOUR observed that the circumstance of there being only one affidavit did not prove any thing in itself; as his learned friends well knew that one affidavit might extend through several hundred folios.

After a few words from Mr. KENYON PARKER, who was also engaged for Dr. Warren, his Honour fixed Saturday for hearing the motion.

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Saturday, Feb. 28.

The Court was greatly crowded immediately upon its opening.—A number of ministers from various Circuits were present, as well as several of the most influential laymen. Many ladies were present, some of whom were accommodated with seats near the bench.

Sir Charles Wetherell, Mr. Knight, Mr. Kindersley, and Mr. K. Parker, appeared as Counsel for the plaintiffs; Sir W. Horne, Mr. Rolfe, and Mr. Piggott, for the defendants.

Sir CHARLES WETHERELL began by stating, that his motion was one in which Dr. Warren was the plaintiff, and Mr. Burton and others the defendants. There was another case arising out of the former, in which Taylor and others were the plaintiffs, and Fildes and others the defendants. The first suit related to Dr. Warren's right to continue as the preacher and pastor of the congregation assembling at Oldham-street Chapel, Manchester; the second suit related to Wesley Chapel, in the Oldham-road. The two cases, as to their general circumstances being identified, might both be opened together.

Sir W. HORNE said that he did not object to their (the two motions) being considered as involving the same points, and they might therefore be considered as coming on together.

Sir C. WETHERELL said that in the first suit a bill was filed by the Rev. Dr. Warren, who had for two years been a preacher of the Wesleyan persuasion in the chapels in question, against the defendants, Messrs. Burton, Marsden, and several others. The bill was filed for the purpose of obtaining a declaration from his Honour that Dr. Warren ought to be restored to the ministry in the chapels from which, in a most extraordinary, hasty, rash, and as he hoped he should be able to prove, in a most illegal manner, he had been unwarantably removed. The prayer of the bill was adapted to procure a restoration to his rights and to the performance of the duties he had been accustomed to perform. It stated also, that the deed of the chapel first named, was dated October 1, 1781, and contained a description of the rules and regulations according to which divine service, and the various affairs connected with the chapel, were to be administered.—It prayed "that it may be declared, by the decree of this Court, that the plaintiff has been suspended from officiating as minister or preacher of the said Chapel improperly, and without any authority; and that it may be declared that the plaintiff is entitled to be reinstated in his said office of preacher or minister of said Chapel; and that the said defendants, the trustees of said Chapel, may be directed to permit and suffer the plaintiff to use, occupy, and enjoy said Chapel, and to resume and continue his official ministerial duties therein, pursuant to the trusts declared by said indenture of the 1st day of October, 1781, and according to the rules and regulations of said Society; and that said Robert Newton may be restrained, by the order or injunction of this Court, from preaching in the said Chapel, or in any manner exercising the office of minister thereof, or intermeddling with the performance of divine worship therein; and that the said defendants, John Burton, John Marsden, James Wood, John Lomas, Joshua Rea, Robert Henson, William Finney Johnson, George Burton, Charles Rider, George Heald, Daniel Speakman, and Francis Marris, may be restrained by the like injunction from doing any act, or authorising any act to be done, to prevent the plaintiff duly and regularly performing the duties of preacher or minister of said Chapel, or interfering with the plaintiff in the performance of such duties, or in the celebration of divine worship in the said Chapel, during the remainder of the time of the plaintiff's appointment to be the minister of the said circuit; and that all proper directions may be given for quieting the plaintiff in the possession and occupation of said Chapel and premises." Dr. Warren, who asked his Honour for such decree, had been a highly talented and most respectable preacher in the Wesleyan persuasion for upwards of thirty years; and, from circumstances which had occurred, he felt himself obliged to file a bill, and to make a motion adapted to the general prayer of the bill. The Wesleyan persuasion had heretofore had the good fortune of escaping the Court of Chancery, and the Court of Chancery, as if reciprocating or participating with them, had hitherto enjoyed the good fortune of escaping them. (A laugh.) That circumstance had originated from the way in which that very respectable body of nonconformists from the Established Church—nonconformists as to discipline, though essentially believers in the same doctrines—had managed their own concerns. They had hitherto most harmoniously governed themselves by rules of their own, and as long as those rules had been regularly adhered to, in cases requiring animadversion and correction;—as long as they had continued to administer their own laws and regulations by themselves; they had not found it necessary to require Chancery lawyers to come among them and expound those laws. Had they had only pursued their own rules on the present occasion; had such administration been carried on according to the spirit and intention of the laws of the founder, and had his

simple and wholesome regulations been preserved and maintained, the unanimity of the church would have remained unbroken to this moment. Now, however, most unfortunately, Dr. Warren had to complain of a most unwarrantable act of illegal and tyrannically usurped authority on the part of some Trustees, and others, by which he was suspended from the discharge of his accustomed ministerial duties in the Chapels in question. Dr. Warren had been for two years a preacher in what was called the Manchester First Circuit. The phrase Circuit was not, he apprehended, adopted in compliment to lawyers, who, as it was known, had their circuits, but it described a certain sphere of labour, to which the preachers were appointed, according to a rule which he considered a very wholsesome one, for one year, and, where they gave satisfaction, for two years, and, in some cases, for three years. Dr. Warren was so appointed in the year 1833, and again in 1834. Up to the middle of the year 1834, he discharged his duties to the great satisfaction of the Circuit, consisting of from two to three thousand members, besides occasional hearers, in the five chapels in which he was the minister or pastor. Such being the state of the case, circumstances occurred which had occasioned an act of usurpation on the part of certain persons, who, if they had only looked to their own rules, and calmly considered their import for five minutes, must have come to the conclusion that they had no earthly right to take the steps which they had taken. He would briefly put his Honour in possession of the circumstances which had led to the injudicious, unauthorised, and unwarrantable act of usurpation those self-elected judges thought proper to perform. Certain ministers of the Methodist Union erected themselves into an illegally constituted tribunal, and cited Dr. Warren before them; they passed an illegal sentence of suspension, and by that means they not only excluded him from the chapels to which he had been regularly appointed, but also intrusively introduced into those chapels a gentleman of the name of Newton, whom they placed in Dr. Warren's room, whom they clothed with the functions, and to whom they entrusted all the powers which they took from Dr. Warren. The Oldham-street Chapel was founded in 1781, during the life of the late Rev. John Wesley. The chapel and some land was conveyed by Mr. John Shore to trustees; from them to others, from time to time, down to the present day, by various assignments. The defendants were the present trustees of those chapels. The Trust stated that the chapels were for the purpose of preaching the doctrines and opinions of the Rev. J. Wesley, by such preachers as the Conference, from time to time, might appoint. The deed stated the doctrines to be inculcated, and the duties to be performed, and declared that no other persons were to be allowed to preach in the chapels. It was evident, therefore, that the preachers were appointed by persons who had a right, as patrons, to appoint them, and that right, or title, was the basis on which the Court would exert itself to secure to the persons appointed that title of which they could only be disseized or dispossessed of by a proper law—the *lex loci* of the constitution under which the individual derived his title, and which depended on the law of the patrons or persons who appointed him to his trust. According to that deed of 1781, Dr. Warren had as good a right to perform the duties of the chapel, unless he had been legitimately disqualified and displaced, as any rector or vicar had a right to the pulpit of his parish, by virtue of our civil or ecclesiastical law. He would venture to say, that he had never heard of a more flagrant breach of right and justice, than that by which that gentleman had been detruded from his office. The deed provided for other matters. It provided, in the first place, that the nominees of Mr. Wesley alone should preach there, and that after his death, the use of the chapel should be permitted to such persons as should from time to time be appointed by the annual Conference to preach there. It further provided, that no person who had been appointed by that Conference to preach in the town and circuit of Manchester, should continue to preach in the chapel for any longer time than two years from the date of his appointment, without the consent of the trustees in writing. Then came the important proviso, that if any person, so to be appointed by the yearly Conference to preach and expound God's Holy Word in the town and circuit of Manchester, should, in the judgment of the major part of the trustees for the time being, be an unfit and improper person, then, and in such case, and as often as it shall so happen, they the said Trustees for the time being, or the major part of them, shall give notice in writing to the committee of the Conference; and if the committee of the Conference should neglect or refuse to appoint another person, in the stead of such person so to be deemed unfit, within two months after notice thereof in writing given to the Committee by the Trustees, or the major part of them, such notice containing the reasons why the Trustees, or the major part of them, think such person unfit or improper, that in such case it should be lawful for the Trustees, or the major part of them, to appoint such other person as they should think fit, until the next yearly Conference. Sir C. Wetherell then referred to the manner in which the self-constituted Committee at Manchester had acted, and observed, that their conduct in arraigning and suspending Dr. Warren, was a gross violation of the rules which governed this religious body. One of those rules was, that a preacher could only be appointed for two years; another regulation was, that in case it was necessary to investigate the conduct of any preacher for immorality of conduct, erroneousness of doctrine, or for a deficiency of abilities, the District Committee of Preachers were to summon a majority of the trustees, the stewards (persons who collected the revenues of the Society), and the leaders of the congregation, to a special meeting, and that the accused party should be summoned before a Court so constituted, which then had the power to restore or expel the party as the case might be; such meeting to be presided over by the President of the

district. Now, in expelling Dr. Warren, it would be seen hereafter that the defendants had entirely forgotten the provisions of that rule.

Sir WILLIAM HORNE said it would be as well if his Learned Friend (Sir C. Wetherell) would hand up a copy of the rules to his Honour, as their doing so would make the case more clear to the Court. (A copy of the rules was here given to his Houour.)

Sir C. WETHERELL said that he had no doubt but that his statement would make the case quite clear enough to the understanding of the Court, and he should therefore leave the task of confusing the case to his Learned Friend (Sir W. Horne), whose perspicacity he did not wish to borrow on this occasion. When a man had got a very clear case of his own, it was not necessary for him to borrow the perspicacity of another—(a laugh). The bill represented the yearly Conference to consist of the preachers and expounders of God's holy word, commonly called Methodist preachers, in connexion with and under the care of John Wesley, whom he summoned every year to meet him in London, Bristol, or Leeds, to advise with them and to appoint preachers to the several chapels given to or in trust for him, and belonging to the Connexion, for the general administration of all matters connected with the regulation of the society. It was composed of one hundred of the senior preachers. No doubt that body, which might be called the governors of that religious Union, and who, by analogy to the Church of England might be called its patrons, had to appoint the preachers from time to time, were wise and experienced men; of that body Dr. Warren had been a member for nearly eleven years. A body comprising so many seniors, men of wisdom and experience, might safely have some confidence reposed in them: they would not be likely to judge rashly in any case, but would establish a sound and consistent code of government. But the gentlemen who had usurped the power and authority in the present case, had suspended a minister who had been eleven years a member of the Conference, the governing body, and for many years more a member of the general body, who had filled some important and difficult offices in that body, and who had secured the esteem of large numbers of the people in the way by which alone it can be effectually secured,—namely, by a close, a steady, a consistent course of conduct, and a diligent study to promote the best interests, the spiritual wants, and the spiritual comforts of those over whom he was placed. Such a gentleman was entitled to the consideration of the Court, and it would have been well if there had been no rash and hasty proceedings on the part of others to render its interference necessary. During the second year of his appointment, Dr. Warren was proceeding in the faithful discharge of his duties as a Minister of the Union. In 1834, a Conference was held in London—a meeting somewhat analogous to what was called by the clergy a convocation. At that Conference, a discussion took place on the subject of introducing a new mode of educating the junior preachers of the Union. Some persons were for establishing—not an episcopal order—for the Wesleyans, though respecting the general doctrines and discipline of the Established Church, did not consider the episcopal form desirable;—the body had not only been self-governed, but, if he might so say, self-taught; that is, they did not like the system of boards, colleges, or seminaries, which existed in the Church, to exist in their Union. When it was proposed to establish such an Institution, many regarded it as an innovation. In 1834, a project was introduced to establish a Theological Institution for the purpose of instructing the junior preachers: the project was entirely new, it was what some might call a reform in the Wesleyan polity. It was certainly a subject on which a man, without going greatly out of his way, or without making up a party to promote a particular end, might, in the conscientious and discreet discharge of his duty, express his opinion. For an expression of his opinion, not the Conference, but that half-legal, self-constituted clerical tribunal, had thought proper to try Dr. Warren. He made a speech, an able one, on the subject at the Conference, and afterwards published it. He was not alone in his opinion, for thirty other preachers concurred with him, disapproving, like him, of the proposed plan. Cases had occurred, in which one vote had been the pivot on which a great question turned; but here were thirty votes. There were great difficulties in the way, so that this very able preacher could scarcely obtain a hearing. In other popular assemblies the same difficulty occurred, though those who have had some experience knew that if a man struggled hard, he might succeed in getting a hearing. (Laughter.) But in the Conference of 1834, a gentleman who had been a member of that body for ten years, had certainly as just a right to declare his opinion in that clerical Parliament as had any member in the British Parliament where there was such opposition of sentiment. At length, however, Dr. Warren stated his objections, and thirty other preachers were of the same opinion. The opposition could not, therefore, be called *a factious opposition;* it was not a mere opinion entertained by an obstinate individual, who thought proper to quarrel and dispute, and who would not give up an opinion when he had once stated it. Dr. Warren afterwards published the speech which he had delivered, together with some further arguments on the general subject. He (Sir C. Wetherell) had read the pamphlet over; and he could hardly imagine it possible, that a gentleman was to be prosecuted, or rather persecuted, for having made such a speech; or that if it had put to the Conference whether or not it should be published, how they could reasonably have interfered. But, in October 1834, some persons thought fit to try Dr. Warren for the speech thus published. His Honour would be surprised to hear the mode in which the trial took place. If there had been any breach of privilege, it would naturally be supposed that Conference would decide. It would also be thought that if one were to be tried, the whole thirty should be tried also. By what rule was it determined that Dr. Warren had been guilty of

any breach of privilege? Where was it stated that though discussions might take place within the Conference, yet that then and there the discussion was to end? He doubted the existence of such a rule; nay, he denied that any such rule existed, and common sense led him to that denial. But if there were such a rule in that *quasi* convocation, that *quasi* Parliament, which enabled them to punish those who published what took place there *foribus clausis;* even in that case, which he did not, however, allow; but even in that case, the alleged breach of privilege should have been tried where the speech was pronounced, before the whole body of the convocation. But instead of that, a meeting was convened two hundred miles from the place where the offence was committed. The tribunal was convened in a corner in Manchester. At a Manchester tribunal, and not before the Conference, Dr. Warren was brought to trial. Certain charges in the nature of an indictment were preferred against him. He was served with a copy of the indictment. If the indictment had been served on the part of the Conference, Dr. Warren might have reasonably said, "Where is your rule? Where do you erect your tribunal? What code do you refer to? Where is your East's or Hawkins's Criminal law—your Hale's Pleas of the Crown—your reports of precedents, and so forth? I demur to the jurisdiction as well as to the law." Had the question been referred to him and his learned friends, they would have put in a bar on the ground of a want of jurisdiction. Yes, even if the case had been tried at Conference. But it was not so; it was not *in Banco* in London, but in a secret counsel held in a corner. A letter was sent to Dr. Warren: it commenced thus:—"Dear Doctor!" "*Dear Doctor!*" the most civil mode of sending a summons of which he had ever heard. (Much laughter.) His Honour, however, would find that these soft, captivating, dulcifying, emollient, assuaging, conciliatory, friendly, beloved terms with which the summons began, would end very differently. It began with what we would call *caræ* or *carissimæ*, but it ended very differently. (Laughter repeated.) "The enclosed charges have been preferred against you by the Rev. John Anderson;"—not one of the hundred.

Rev. Robert Newton.—"Yes, he is."

Sir Charles Wetherell said he was very sorry to hear it.—The letter was as follows:—

"Dear Doctor, [laughter]—The enclosed charges having been preferred against you by the Rev. John Anderson, it is my duty to give you notice to attend a special district meeting to answer to the said charges. The meeting is appointed for Wednesday, the 22d inst., to commence at ten o'clock in the morning, in the Steward's Room, Oldham-street. I have requested the President of the Conference to attend on this occasion.

"I am yours faithfully, "ROBERT NEWTON."

Mr. Knight.—"The very gentleman who succeeded to Dr. Warren—who escheated him?"

Sir C. Wetherell.—"Yes: the person who wrote that letter; who summoned the culprit; who sat as one of the judges; by-and-by became the minister of the places in question! He put out the 'dear doctor,' and became 'dear doctor' himself. (Much laughter.) He escheated him, as Mr. Knight had said: he first took and then ran away with the escheat! This, however, was not a case of escheat which could be considered as under the old manorial law as *bona waviatur*, or a thing which could be picked up by any body—(a laugh). But here the writer, Mr. Robert Newton, served the 'dear doctor' with an indictment—was a member of the Court of Assize, and then, having mounted the horse, and shoved his friend the 'dear doctor' from his saddle, rode away out of the Conference-room, and declared himself to be the minister of the Circuit! (Much laughter.) Those were the facts which his learned friend would have to confuse."

Sir W. Horne.—"No, we shall make them plain."

Sir C. Wetherell.—"The facts his friend could not dispute. The *dramatis personæ* might be attempted to be clothed otherwise; a different construction might be put upon some of the sentences uttered by them, but the facts remained stubborn and unchanged. The parts which those individuals played could not be better represented than by a mere statement of the *res gestæ*. The Court must be convinced that a gentleman who was a member of the Conference, for an offence not committed in his Circuit—not for any neglect in his pastoral duties—not because he had failed to give satisfaction to the persons who attended by thousands to hear him preach—not for any breach of morality, or for any heresy in doctrine, but for the expression of opinions as to what many besides himself deemed an innovation; he was summoned to a secret tribunal by Mr. Newton, having no prosecutor but Mr. Anderson; he was deprived of the office to which he had been legally appointed; and the person who summoned him, who was one of the witnesses against him, who was also one of his judges, and one of his jurymen—that person displaced him; and, having displaced him, the judge mounted into the vacant seat! Yes, having expelled the criminal, he clothed himself with the robes of office; declared that he had decreed the criminal guilty, and then usurped his place!" The learned Counsel then stated that the charges preferred against Dr. Warren at this said "*Special District Meeting*," were as follows:—

"1. That Dr. Warren, by the publication of his pamphlet entitled 'Remarks on the Wesleyan Theological Institution for the Improvement of the Junior Preachers,' has violated the essential principles of our connection.

"2. That the said pamphlet contains sundry incorrect statements and misrepresentations of facts highly prejudicial to the general character of the body.

"3. That the pamphlet contains also certain calumnious and unfounded reflections upon the character and proceedings of the Conference, and on the motives and conduct of individual preachers.

"4. That the said pamphlet is distinguished by a spirit of resentment and uncharitableness highly unbecoming the character of a Christian minister, and obviously tending to produce strife and division in our societies."

Those charges having been preferred, his Honour would naturally ask, Where was the code of laws which enabled the parties so to summon and try the individual? For himself, he could not answer that question; and he should be glad to learn by what glosses they were by-and-by to be, not confused—his learned friend did not like that term—but confounded. His learned friend would perhaps bring forward some common or statute law by which individuals were to be tried. They had heard of a sermon which was once preached, and the assembly had the preacher impeached; but that case, the case of Dr. Sacheverell, was conducted according to the existing, the ecclesiastical, the constitutional law of the realm. Whether reference was to be made to any canon or statute laws, as to Dr. Warren's case, they should learn hereafter. The Indictment having been delivered—the District Court having been constituted,—by what rule he did not know, perhaps he should hear, by-and-by, who were the judges? Were they lay as well as clerical? He knew that there might be cases where it would be necessary to convene *leaders, stewards, trustees*, and *ministers*, as the rules of the body expressed it; but if he were to ask his learned friend who were the members of that Special District Meeting, could he inform him that any leaders, stewards, or trustees, were present? He believed not.

Sir W. Horne.—"True; I admit that."

Sir C. Wetherell.—Much had been said of the liberty of the press; and he was a strong advocate for it, and would not wish to see it confined as to the discussion of religious subjects. If there was a legal tribunal called a District Meeting, there might be subjects which might properly be inquired into in such courts. But if the pamphlet in question had been disrespectful; had it been necessary that it should come under consideration; he would take the liberty of stating now, and *in limine*, that one objection he had to make was that, assuming that Dr. Warren had committed a try-able offence, he had been convicted *coram non judice;* he had been cited before an illegal, arbitrary, self constituted tribunal, which had no right to try him. They had no more right to try him there, than they had to try any man in a court to which he was not amenable; nor to suspend him, than they had to expel a man from a freehold which he had a right to hold. He would undertake to prove that the publication of the speech, supposing it had subjected him to trial, was brought before a court which had none of the attributes such a court ought to possess. According to the rules which could be ascertained, that meeting should be composed of preachers, trustees, leaders, and stewards; the latter three descriptions of whom were laymen.

Mr. Robert Newton.—"The preachers are some of them trustees. I am a Trustee."

Sir C. Wetherell.—The Deeds of the Chapels, as well as the Rules of the Union, require that the District Meetings should be so constituted. But no leaders, or stewards, or trustees, were present at the Manchester Special District Meeting.

Sir W. Horne.—"I admit it."

Sir C. Wetherell.—The court was to consist of four classes, the preachers, leaders, trustees, and stewards, each forming a class by themselves. He did not know what the name of the bailiff was who served the "Dear Doctor" with the summons; but he found that the board was entirely an ecclesiastical one, and all the officers were doubtless clerical; but the summoner forgot to summon a single trustee or leader. If, then, there had been any thing in the pamphlet for which the Conference, legally constituted, had a right to try Dr. Warren, still in the case before them there was a packed court—packed designedly—of malice *prepence;* formed for the express purpose that the judgment which the prosecutors wished might be given; a court formed with the intention of suspending him from his duty, and putting in possession of his place a person who had usurped the authority, or been invested with it by persons who had clothed themselves in authority equally usurped. When the meeting of that court was held, Dr. Warren appeared before them, accompanied by a friend, the Rev. Mr. Bromley. It might have been thought that the person who wrote to the "Dear Doctor" would have been a friend also; but objections were made to Mr. Bromley's presence, He indulged, it seemed, in some remarks which gave displeasure to the persons present. Dr. Warren having been asked whether he would have all the charges gone through before he replied, or whether he wished them to be separately taken, appealed to his friend Mr. Bromley, in a whisper, for his opinion. Mr. Grindrod, one of the meeting, perceiving what was done, rose and protested with considerable warmth against Mr. Bromley's being permitted to assist Dr. Warren by acting as his counsel. Mr. Bromley having removed to another part of the room, in the course of the proceedings exclaimed, "This is consummate cruelty," and was immediately requested to withdraw altogether from the meeting. Dr. Warren strongly objected to the exclusion of his friend, but the motion having been carried, Dr. Warren declared that if his only witness, Mr. Bromley, was not permitted to be present during his trial, after all the unreasonable concessions which had before been made, he would not stand his trial before the meeting, come what might: and in so doing he acted very properly. A few days after these proceedings Dr. Warren received a letter, enclosing a copy of the resolutions which had been passed at the court who pretended to have tried him, from the secretary, Mr. Crowther, which was in these words:—"Dear Brother,—As secretary to the Special District Meeting." "The *Special District Meeting*," that was the name by which they designated themselves. It was said on the other side by a learned friend, that Dr. Warren had *consented* to be tried by that committee.

Mr. Knight.—Yes! as Baxter consented to be tried by Judge Jeffries.

Sir C. Wetherell.—Mr. Crowther's letter began, "Dear Brother—As secretary to the Special District Meeting which has been called upon your case, I am directed to forward to you the following resolutions, which have been unanimously adopted." Then follow the

resolutions themselves:—"Resolved,—That Dr. Warren, by his positive and repeated refusal—mark! his *positive and repeated refusal*—to take his trial at this district meeting, has left to the meeting, however reluctant thus to proceed, no alternative, consistent with the existing laws and usages of the body, but that of declaring him to be suspended from his office as a travelling preacher, and he is hereby suspended accordingly. That, nevertheless, if within a month from the date of these resolutions, Dr. Warren shall signify to the chairman of the district his willingness to take his trial before a special district meeting, on the charges of which he has received regular and formal notice, the sentence of suspension shall be removed on the assembling of that meeting, and he shall be allowed to have his trial without any bar or disadvantage on account of his present refusal 'to attend any future session' of this district meeting; and that in case of Dr. Warren's declining to give the required intimation to the chairman of the district within the period above specified, he shall be considered as being suspended until the next Conference." That was all the trial the Doctor had, and to that it was said he had *submitted!* Yes! they outlawed him; but they said, "Come in; and, after a month, your outlawry shall be reversed, and you may return to us. If not, you shall be suspended till the next Conference." The Doctor was outlawed, and bade defiance to it. He seemed to say, "Well, never mind; if outlawed in the Manchester Court, by-and-by the Court of Chancery will take it off for me. I won't be bundled out by these Secretaries—these bailiffs, these apparitors—these *hoc genus omni*, who say, 'We will allow you for one month to live on bread and water, and then come in, make your bow, submit to be remanded, and take your trial." (Laughter.) Mr. Secretary Crowther was the very able instrument of that usurpation; they could not have got a better sentence written if they had applied to any person in the Crown Court, in the Six Clerks' Office, or in the Registrar's Office. "First, we have suspended you; next, we give you a month to consider of it; thirdly, we will then try you, and suspend you till the Conference decides respecting your case." The secretary had done his part well; he had been only defective in one point, which was the duty of all secretaries, namely, to state that a vote of thanks had been unanimously carried at the meeting to the Rev. Mr. Taylor (who presided on the occasion, and who was the President of the Conference), for his fair and impartial conduct in the chair. (A laugh.) It now became Dr. Warren's counsel to do their part well; and how well they did it his Honour would decide. But he would stop here, and ask if any man could dispute that the whole procee lings were instituted, because of certain personal piques and dislikes entertained against the Doctor, rather than for any thing he had done in Manchester. He had not lost the friendship or good opinion of the people there, among whom he had exercised his ministry. (Expressions of dissent by Mr. Newton and Mr. P. Bunting.) It was because he had conscientiously and manfully stood forward on behalf of a vast number of the Wesleyan body, who were adverse to the introduction of novelties that were incompatible with the intentions of their pious and excellent founder. But he submitted, that if the pamphlet did contain any thing which the Conference might justly have noticed, there was something most *pitiful*, most *mean*, most *contemptible*,—(those were not terms strong enough, for, in a court of justice, it was necessary to show that it was illegal)—there was, he said, such *immeasurable meanness* displayed in the circumstance of trying a man, because he had said, that a certain projected Institution was neither needed nor proper, that he could not sufficiently reprobate. If, as a member of the Conference, he had done any thing wrong, in the Conference alone he should have been tried. Instead of which, in a spirit of meanness, of illegality, of petty tyranny, they had got up a meeting, formed exclusively of clerical members, and leaving out a portion of the classes from which they ought to have been drawn up. They got the accused down into a corner; they drew around him that petty, mean, self-constituted, arbitrary court; and, because he would not personally degrade himself by bowing down before them—before a court which had no more right to try him than he or his learned friend had to sit in the Court of Admiralty to try piracies or other offences committed on the seas, or to go down to the stanneries in Cornwall, and try a question relative to the tin-mines, using some of the subterranean agents as their jurymen or officers of justice (laughter)—because Dr. Warren would not submit to such mockery of law and justice, they suspended him. But what right had they to change the *venue*, and instead of the Conference in London, take him down into a corner? Why not have acted on a fair, just, and honourable plan, so that the "dear Doctor" might have been induced to attend? No; but they went down into Lancashire for the express purpose of packing an illegal tribunal, and joining in an arbitrary tyrannical sentence of expulsion. Immediately after the expulsion of Dr. Warren, Mr. Newton having assumed to himself the office of Superintendent to the Manchester first circuit, Dr. Warren wrote to him, declaring that any act of public duty performed by him in that circuit would be a violation of Dr. Warren's right. A notice was soon after served upon Dr. Warren, signed by a majority of the Trustees, demanding that he no longer preach in the chapel in Oldham-street, and threatening legal proceedings. Here he might close, but his learned friend said he must go into the case. However tempting and seductive the arguments of his friend might be, he was not disposed to yield on the present occasion. He knew it was to be contended that there existed codes, rules, and laws: to these they were ready to submit. The Doctor was not a rebel in that sense, though he (Sir C. Wetherell) thought the Doctor's character would have been degraded as a gentleman, if he had not acted as he had done. There were some certain established rules—namely, *the Articles of Agreement and General Pacification*, agreed upon in the year 1795. They might have whole volumes of laws, for aught he knew; he was not aware what records, or magazines, or archives might exist; he had hunted as diligently as he could to find out what rules constituted their disci-

pline. But in 1795, Articles of Pacification were published: they were agreed upon by the Conference, the general governing authority of the bodies composing the entire union of Wesleyan Methodists. In those articles it was stated, that "if the majority of the Trustees, or the majority of the Stewards and Leaders of any Society, believe that any preacher appointed for their circuit is immoral, erroneous in doctrines, deficient in abilities, or that he has broken any of the rules above mentioned, they shall have authority to summon the preachers of the district, and all the Trustees, Stewards, and Leaders of the circuit, to meet in their chapel on a day and hour appointed, sufficient time being given. The Chairman of the district shall be president of the assembly, and every Preacher, Trustee, Steward, and Leader shall have a single vote, the Chairman possessing also the casting voice. And if the majority of the meeting judge that the accused preacher is immoral, erroneous in doctrines, deficient in abilities, or has broken any of the rules above mentioned, he shall be considered as removed from that circuit; and the District Committee shall, as soon as possible, appoint another preacher for that circuit, instead of the preacher so removed; and shall determine among themselves how the removed preacher shall be disposed of till the Conference, and shall have authority to suspend the said preacher from all public duties till the Conference, if they judge proper. The District Committee shall also supply, as well as possible, the place of the removed preacher, till another preacher be appointed. And the preacher thus appointed, and all other preachers, shall be subject to the above mode of trial. No preacher shall be suspended or removed from his circuit by any District Committee, except he have the privilege of the trial before mentioned." His Honour would observe, first, that there must be a majority of Trustees, as a sort of grand jury. It was not to be a letter addressed to the "dear Doctor," nor the writer of it to act as a monitor, but a majority to ascertain if there be *corpus delicti*, to see if the man can be put into the dock. In the present case there was nothing to be seen of any jury to find a good bill against the "dear Doctor." It might be said, that it was not stated in what way the majority were to testify their opinion; but he contended that in this instance no such meeting as the articles described had taken place. If a person was to be turned out of his pulpit, he certainly ought not to be disseized of his legal right without some of the common decencies of trial. Rule was a wholesome thing; it might turn out that a man regularly appointed by the Conference might do something which rendered expulsion necessary. But the court must be composed of the four classes named, and, before the man is tried, the Trustees must agree that there should be a trial. Where was that body in the present case? *Nusquam*—no where. Then he would advert to the constitution of the court. The persons specially named must be in the commission, if the Court exercises its duties. The articles did not allow merely a majority of Trustees, it said "*all* the Trustees." Were they all at the Manchester meeting?

Mr. KNIGHT.—Neither present nor summoned.

Sir W. HORNE.—I admit it all.

Sir C. WETHERELL.—Next, the Chairman of the district was to be President. The Secretary, the Rev. Jonathan Crowther, was named, but he did not find the name of the Chairman of the district as President. Instead of appointing the Chairman of the district President of the meeting, they had sent to London for the Rev. J. Taylor, the President of the Conference, and he was made the supreme judge of the meeting. In every respect, the proceedings were directly contrary to the laws by which the body was governed, and could not be permitted to stand. Then it was stated that the leaders, stewards, &c. were to have each a single vote; but here the lay gentlemen were wholly omitted. The stewards and leaders mentioned in the provision were usually laymen, so that the body should not be constituted solely of ecclesiastics, but a certain portion of both was appointed by Wesley, that they might be a sort of check on each other. But this regulation had not been complied with; the stewards had not assembled the preachers, who with themselves were to constitute the meeting, but the preachers had assembled themselves. The laymen were to vote on the occasion. but not a layman was admitted, nor even summoned. Such a mode of proceeding might be very convenient, if some secret purpose were to be answered. The real party in this cause he understood to be a Mr. Bunting, who was a strong advocate for the Institution.

Sir W. HORNE.—There is no such name in the record.

Mr. KNIGHT.—Mr. Bunting is the real party; of that there can be no doubt.

Sir C. WETHERELL.—Well, in the record Mr. Bunting is not the party; but *he is the party in the pamphlet.* (These and the following observations appeared to produce a strong sensation in the very crowded Court.) Dr. Warren might have given offence to that individual. It might have happened that Dr. Bunting wished to have been President of the Institution—to have been Theological Tutor—to have been Secretary for the Foreign department:—

Sir W. HORNE.—Dr. Warren says so; he states that Dr. Bunting was to be sole dictator of the Home and Foreign department!

Sir C. WETHERELL said that he thought he should have no difficulty in making out a clear case for impeachment, on the part of the Wesleyan Union, against Dr. Bunting, for usurping the whole authority and policy, foreign and domestic, of the Wesleyan dominions! to the scandal of the whole body of Wesleyan Ministers.—(Laughter.)

Mr. KNIGHT.—Yes, supreme over the whole body!

Sir C. WETHERELL.—This unconstitutional concentration of power in any one individual had been very properly opposed by Dr. Warren, and that was the secret cause of this inveterate prosecution, or rather persecution, against him. He (Sir C. Wetherell) feared it might substantially turn out, and his Honour would doubtless be of opinion, that offence had been

taken, whether rightly or not he would not stop to enquire. That which was made a matter of personal feeling, might, by the happy art of *metamorphosis*, be contrived to arrange the machinery so as to make other names appear upon the record, when he was virtually the person who considered himself injured. Such an individual might have influence and contrivance enough to get persons to act the *dramatis personæ*—to play a part before the scenes while behind the scenes—he himself might be the principal actor and dramatist. (Considerable effect was produced by these last remarks, and all eyes were turned towards Dr. Bunting, who was seated just behind, *directing* the counsel for the defence.) The Plan of Pacification gave the District Meeting power to suspend a preacher who was found guilty, till the Conference interfered. Dr. Warren was suspended for a month, till his contumacy might be got the better of; but he rose above fear of their threats, he adhered to his opinion, and they passed the sentence of suspension. He did not know how his learned friends would be able to make out that the pamphlet was defective in ability, or in morality, or erroneous in doctrine; he had examined it himself, and could find in it no such deficiency. The liberty of the press would be materially infringed upon, if, when a man held an opinion which thirty other persons held also, he should be prevented from publishing that opinion, especially when it contained nothing erroneous in doctrine, nor contrary to morality. Some portion of the Connexion held one opinion, and some the other; but he would not pursue that argument. After briefly recapitulating the heads of his argument, Sir C. Wetherell said that he should sit down, declaring his opinion that Dr. Warren would go out of that Court with his character untainted and unimpeached, and return to the discharge of his duties in the circuit in which he had been suspended, and in which he had the good wishes and the good opinions of thousands who had been deprived for a season of his ministrations. If his Honour could be informed of all the feelings of disgust and disappointment which had been excited by the conduct of the defendants, and which were diffused, to a considerable extent, through the frequenters of the chapel in question, he would see what a body of injury had been inflicted. Thousands of respectable persons, male and female, in the congregations where Dr. Warren had exercised his ministry, felt themselves disgraced, and injured, and degraded, by the arbitrary, unfeeling, unchristian, mean and contemptible conduct which had been displayed. He trusted that the Doctor would go forth, with his character not only uninjured, but improved, by the dirty, ill-contrived, contemptible plans which had been resorted to; resorted to under the pretence of soothing the feelings, whereas the truth was, that they had been adopted for the purposes of irritation, and to gratify private pique and resentment, and had inflicted wounds on that happy Union, and introduced strong feelings of disgust; of disgust justly excited by such offensive proceedings—proceedings, by the course of which his client had been most improperly, most tyrannically harrassed.

Mr. KNIGHT said that the two bills which had been filed, related to property held under trusts declared by the respective deeds. It was the duty of the Court to interfere, and not the less because the causes belonged to the sacred subject of religion. Two particular cases had been selected, with a view to save the enormous expense of bringing forward the whole of the chapels concerned; because it was believed that the decision of his Honour would influence the parties as to the other cases. Though the fate of only two chapels was involved, yet the question was of the greatest magnitude, and affected many thousands of that large and respectable body. The first case was that of a chapel established before the Articles of Pacification were published, the other had been built since that period. As to the chapel in Oldham-street, it was established in 1781; that was the suit of Dr. Warren against Burton and other trustees, and also Mr. Robert Newton; the other case was that in which Dr. Warren and some of the trustees were plaintiffs, and the other trustees the defendants; that was Wesley Chapel, situate in Oldham-road, the deeds of which were signed in 1826. Those trusts were more or less affected by the Articles of Pacification and the general rules of the Society, which the plaintiffs alleged had been broken. If he and his friends could maintain that opinion, they were entitled to the injunction for which they applied. They maintained that Dr. Warren had still right to officiate, and that there were thousands who wished to have him for their pastor. They wished also to restrain Mr. Newton from exercising his functions in those chapels. It was material to bear in mind the constitution of the body as agreed upon by both sides; as to different or partial representations of documents, those documents must speak for themselves. His Honour would not decide on garbled statements, but on the documents themselves. He believed that all were agreed that at and up to the alleged suspension, Dr. Warren was legally appointed to discharge his ministerial duties in that circuit; it was also agreed that if he were not legally suspended, the right still continued in him; because the right to appoint preachers was vested in the Council or Conference, held in the months of July and August; and all must acknowledge that if he had not been legally suspended, he must still be in possession of the rights which he had legally, and which, if not legally suspended and removed, he must still have. and would have, till the next Conference. That was the legal question. It unfortunately happened, that when feelings were mixed up with a question, much of what was collateral was brought into it: the only real question was, whether Dr. Warren had been deprived of his legitimate right. His Honour was well aware that the Methodist Society owed its origin to the illustrious Wesley; for illustrious all must admit him to be, however they might agree with or differ from him. Up to the time of his decease he held, and with strict jealousy, supreme dominion over his flock: he maintained that dominion rather sharply, and repelled every attempt at inroad In a certain sense, he did not say in an improper one, Mr. Wesley was the Pope of Methodism. He

lived to an advanced period of life, and died honoured and venerated, March 2nd, 1791. He associated with himself a great number of ministers and others, to assist him in managing the large and growing society of which he was the head. When he died, that happened which happened among the officers of Alexander at his death. Who was to succeed him? There were divisions and disputings. No master mind was found to succeed him, to whom that obedience might be paid which was cheerfully shewn to him. Division after division ensued, which were allayed if not finally composed, and Articles of Pacification were published in 1795. As far as he understood the case of the defendants it wholly relied on those articles:—that though the articles forbade what they, the defendants, had done, yet that certain rules existed, which went to justify what they had done. That argument deserved to be met and dealt with. The constitution of Wesleyan Methodism rested also on certain Minutes of Conference, which annual convocation, or general assembly, decided rules for that sect of religionists, if such a word existed. The lowest division in the body was a lay division. Ten or twelve persons formed themselves into a class, which held weekly meetings, and had a leader. Those leaders were generally laymen. A certain number of such classes composed a society: that comprised also congregations attending a given place of worship. A certain number of such chapels and societies comprised what was called a circuit; and a certain number of circuits comprised a district. All the ecclesiastical concerns of the body were regulated by Conference, which was the supreme head, and which ought to be comprised of one hundred senior preachers, but which was really composed of many more. They met annually at London, Bristol, and a few other places. It was part of the constitution of Methodism, that no preacher or pastor was to continue a long time over any particular flock; that denomination supposing that the changing or itinerating plan had its advantages. It was part of the duty of Conference to appoint the preachers, not to any particular chapel, but to the circuit generally. The trustees could not appoint their own preachers; that power was in the Conference alone. Generally the senior preacher of those sent to any circuit was the assistant, or, as it was now called, the superintendent. It was his duty to allot the rota, according to which the other preachers in the circuit were to act. That regulation lasted for one year; but it often happened that the same preacher was appointed a second, and, in some cases, a third year. Dr. Warren, up to the time of his suspension, was the superintendent during two years. He had appointed the rota alluded to, according to his regular duty, and if things had remained as they were at the time of his suspension, Dr. Warren was bound, as well as authorised, to preach in those chapels. He had been prevented, unlawfully, it was said:—that the deeds must determine; if his prevention was not according to the previsions of the deeds, he was qualified legally to remain.—Mr. Knight requested his Honour's attention to the deed of Oldham-street Chapel, dated 1781. If that deed was to be considered as not affected by the Articles of Pacification, then Dr. Warren had not been legally removed; that was plain to all intents and purposes.

His Honour.—Is it a question in dispute, whether the Articles of Pacification are to govern the body?

Sir W. Horne.—We do not admit that those Articles have any thing to do with the question at issue; we go upon the ground of usage.

Mr. Knight observed, that he expected to hear such a statement. He should bring under his Honour's attention those trusts, to show that there was no such power to remove, as had been exercised. It was provided, that if any preacher appointed, should, in the judgment of the major part of the trustees, be an unfit person, unsound in doctrine, immoral in conduct, or deficient in abilities, application was to be made to the Committee of the Conference, and if they neglected to appoint another preacher during any period within the space of two months, then it should be lawful for the trustees, or the major part of them, to appoint a preacher till the next Conference, and so forth. Now, in the present case, it was not pretended that the Committee of Conference had been referred to, and so on; but the whole affair was regulated by a party, calling themselves a District Meeting. Dr. Warren was in full right; for no human being had suggested that he was an improper person, in the manner pointed out, nor had any such application been made. Dr. Warren had a right, therefore, to continue to preach till the next Conference. Now, if it was admitted, that the Articles of Pacification could not be brought to bear on that case, yet in the Deed of 1836, especial reference was made to those Articles. That chapel was held "upon trust, to permit such person as should from time to time be appointed by the Conference, established by a deed, dated 1784, under the hand and seal of John Wesley, and no other person whomsoever to use the chapel. Provided, that in case it should appear to the trustees, or a majority of them, that the doctrine of any preacher was contrary to John Wesley's notes on the New Testament, and his first four volumes of Sermons, or that the same was erroneous, or that his conduct was immoral, or his abilities deficient, then the trustees should proceed according to the rule in that case provided in the Articles of Pacification, set forth in the Minutes of the Conference of 1795." As to that chapel, at least then, there had been a departure from usage, and from rule too, in the case of Dr. Warren. In that deed, without any question, there was a reference to those Articles of Pacification, which his learned friend, Sir Charles Wetherell, had shewn to have been so grossly violated. And were the Rev. Jabez Bunting and the Rev. Edmund Grindrod to take upon themselves to alter the whole enactments of Wesleyan Methodism? His learned friend smiled, but he would have done laughing before the case was ended, he would warrant him. In the Minutes of Conference, vol. i., which if any man attempted to question, he would be excommunicated—

Sir W. Horne.—By what authority?

Mr. KNIGHT.—By the authority of Mr. Bunting! Mr. Knight then proceeded to read from the Minutes, the second article of the second section of the Rules of Pacification:—"Nevertheless, if the majority of the *trustees*, or the majority of the *stewards* and *leaders* of any society, believe that any preacher appointed for their circuit, is immoral, erroneous in doctrine, deficient in abilities, or that he has broken any of the rules above mentioned, *they* shall have authority to summon the *preachers* of the district, and all the *trustees, stewards*, and *leaders* of that circuit, to meet in their chapel, on a day and hour appointed (sufficient time being given). *The chairman of the district shall be president of the assembly;* and every *preacher, trustee, steward, and leader* shall have a single vote, the chairman possessing the casting voice. And if the majority of the meeting judge that the accused preacher is *immoral, erroneous in doctrine, deficient in abilities, or has broken any of the rules above mentioned*, he shall be considered as removed from that circuit. And the district committee shall, as soon as possible, appoint another preacher for that circuit, instead of the preacher so removed; and shall determine among themselves, how the removed preacher shall be disposed of till the Conference; and shall have authority to suspend the said preacher from all public duties, till the Conference, if they think proper. The district committee shall also supply, as well as possible, the place of the removed preacher, till another preacher be appointed. And the preacher thus appointed, and all other preachers, shall be subject to the above mode of trial. And if the district committee do not appoint a preacher for that circuit, instead of the removed preacher, within a month after the aforesaid removal, or do not fill up the place of the removed preacher, till another preacher be appointed, the majority of the said *trustees, stewards, and leaders*, being again regularly summoned, shall appoint a preacher for the said circuit, provided he be a member of the Methodist connexion, till the ensuing Conference."—He would also call the particular attention of his Honour also to the fifth article, which stated, that *no preacher should be suspended or removed from his circuit by any district committee, except he had the privilege of the trial before mentioned.* He took it as admitted by his learned friends as well as himself, that Dr. Warren had been removed without any such trial.

Sir W. HORNE.—No.

Mr. KNIGHT repeated that it was proved beyond all question that Dr. Warren had been removed without any such trial. That statement he made most deliberately; hearing, at the same time, what was said so confidently on his right hand. It was to be by a majority of the leaders, &c. They were in the nature of a grand jury. The petty jury was not to try unless the grand jury found a probable cause. Well, they had authority to summon the preachers; but there must also be the stewards, trustees, and leaders of the circuit. The court must have the mixture of lay and clerical members. But look at the court which sat on Dr. Warren, and which had removed him! It was not summoned by trustees: no leaders or stewards were there. It had not been preceded by any statement of deficiencies or immoralities in Dr. Warren. There was, in point of fact, a practical abolition of grand juries. As there was no person to be called, so no person was called. As a certain writer had said, "You can't have a coach, unless a coach be called." (Laughter.) Then, the rule said that the Chairman of the District was to be the President of the meeting. But how should he characterise the base, the outrageous conduct of those who selected the President of the Conference! The very man to whom Dr. Warren had been opposed mainly in the preceding meeting of Conference was now brought to Manchester to sit in judgment upon him.

Sir W. HORNE.—This is strange; but I like to hear it. I can easily refute it; and I cannot but admire the spirit of Christian charity in which the whole affair is pursued!

Mr. KNIGHT.—The Chairman of the District was not selected as the 2nd article required; but the Rev. Joseph Taylor was sent for, to whom Dr. Warren had been opposed. The accused judge became accuser and witness also.

His HONOUR.—What is Mr. Taylor's office?

Mr. KNIGHT.—He is President: the Archbishop of Canterbury! (A laugh.) He was had down to Manchester by the mail, either inside or out. He neglected his duties in London, and went, out of time and out of place, to appear as witness and as judge in the case of a man with whom he had previously quarrelled! He hoped his learned friend liked that also?

Sir W. HORNE.—O, yes! I like it.

Mr. KNIGHT.—Well, there was no disputing tastes or accounting for them. Then, each steward, leader, and trustee, was to have a single vote; and the preacher, if found guilty, was to be suspended, and not to preach till the ensuing Conference.

His HONOUR asked if the language of the *fourth* article did not seem to imply that trustees might expel by their own authority? "If any *trustees* expel or exclude a preacher, by their own *separate* authority;" and so on.

Mr. KNIGHT thought it was not applicable to the present case, because there the preachers alone had done it. They had expelled a powerful rival, and, on one subject, a powerful opponent. The tribunal, therefore, was not constituted according to the articles of pacification; the act had been done by a mere clerical District Meeting. A District Committee was an open court, met for the management of spiritual concerns: the removal or appointment of preachers was no part of its office. In cases where the preacher came under the rules relating to suspension, they must abide by the rules. The Committee in question had forgotten all those rules; they had erected themselves into a court; they had made themselves accusers, witnesses, judge, jury, sheriffs, and executioner! And they were specially called

together for the express purpose of perpetrating the illegal, the atrocious act of which his client had now to complain.

His Honour inquired if there was any special rule applicable to the calling of District Meetings.

Mr. Knight.—Yes; in the Minutes of Conference for 1791; but the powers of suspension or removal were not there provided for.

Sir W. Horne.—It has been asked if there is any Digest. We have not that of Justinian, but we have Dr. Warren's.

Mr. Knight, in answer to another question from his Honour, said, that the Chairmen of Districts were appointed by the Conference. He was glad to hear that the argument of his friends was to rest on the rule of 1791, that the preachers alone were to suspend or remove a preacher. It gave them no such power. Who were to have and to exercise that power was settled in the subsequent articles of 1795, made for the express purpose. He did not think so preposterous an argument would have been resorted to. But desperate cases required desperate remedies. Now, if any charge could be made out against Dr. Warren which implied immorality, as no one presumed to impute immoral conduct to him, it must refer either to some opinions which he had expressed, or the mode in which he had expressed those opinions. It would be necessary to state more particularly, therefore, the circumstances which had led to the present unhappy dispute. A question arose in the Connexion as to the propriety of establishing a Theological Institution for the instruction of the junior preachers. A Committee was appointed to consider the subject, and to draw up a plan to be submitted to the ensuing Conference. Dr. Warren at first rather approved of it; but when he found that all the offices were to be given to persons in the committee, so that the committee appointed to consider the propriety of establishing such an institution, made it their first business to secure all the good things to themselves, he objected to it. Dr. Warren's objections were met by the imputation of bad motives to him, though he had named other persons to fill offices who were not members of the committee. The Rev. Robert Newton, at a subsequent meeting, said to him, "I will tell you candidly, Dr. Warren, what, perhaps, no other person has had the honesty to communicate to you, that all the brethren say, had you only been proposed to fill one of the offices in the institution, we should never have heard of your opposition." That was rather insolent language for one clergyman to use to another. Dr. Warren, under those circumstances, had been prevented from delivering his sentiments fully, in the last annual Conference; accordingly, he published the speech which he had attempted to deliver, but part of which he had been prevented from delivering. The speech, together with the remarks subjoined, gave huge offence, and certain persons took upon themselves to summon him before them, without crime on his part, and without authority on their part. Yes! they summoned a co-ordinate minister, without offence, to appear before them, and to answer for his conduct in daring to publish his opinions to the world! It would now be necessary to call the attention of the Court more particularly to the facts which led Dr. Warren to dispute the authority of the tribunal that had put him upon his trial; which the learned Counsel said he would do, by reading the almost incredible details of the facts from the affidavits produced by the defendants themselves. This affidavit stated, that a preacher, of the name of Macdonald, being, at the time of the meeting, in Manchester, a request was made on his behalf, that he should have the privilege of being present; that the privilege was granted, with the special assent of Dr. Warren, and on the usual conditions, that he should take no part whatever in the business. That Dr. Warren requested the like indulgence, in behalf of a personal friend of his own, a travelling preacher in full connexion, who was present at the last Conference; which request was immediately granted by the members of the meeting, with an express stipulation, that his friend should take no part in the proceedings. That shortly afterwards, the Rev. James Bromley, Dr. Warren's friend, entered the room, and placing himself by the side of Dr. Warren, he began to take notes of the proceedings; which being objected to by the deponents, who were the members of the meeting, he, after a little hesitation, desisted. That the minutes of the Conference to which the paragraph referred, the pamphlet, and the charges were read; and Dr. Warren was asked by the President, whether he admitted the truth of the charges; in answer to which inquiry, he replied, "I cannot admit them en masse." That then the charges were ordered to be read separately; and upon the first charge being read, the President inquired, whether Dr. Warren admitted it; to which he replied, that he could not answer that question, until the specific matters intended by the charge, were set forth. That the meeting was preparing itself to hear evidence and reasoning in support of the charge, when the deponents observed, that in defiance of the terms upon which Bromley had been admitted to be present at the meeting, he was in fact, *by whispering repeatedly with Dr. Warren*, intermeddling with and interrupting the business of the meeting; so much so, that in repeated instances, the president (Joseph Taylor) could have no answer to the questions which were proposed to Dr. Warren, *until the latter had previously conferred with Bromley*. That Bromley was therefore required by the meeting to take a seat apart from Dr. Warren, and as the indispensable condition of his being permitted to retain the indulgence of continuing at the meeting to remain as a spectator and hearer only. That after a little hesitation, Bromley took a seat in another part of the room; but in taking his seat, he remarked, in the hearing of several of the deponents, "This is consummate cruelty;" and amidst the conversation which immediately ensued thereupon, Bromley never made the slightest apology for such remark; but on the contrary, in reply to the remark of a preacher

sitting near him, expressed himself in these words, " Nay, turn me out ;" which words were afterwards repeated in the hearing of several of the deponents. That to prevent any further interruption from Bromley, it was moved, that both the strangers should retire. That this resolution having been seconded, Dr. Warren immediately arose, and having expressed in strong terms his affection for all the brethren present, and his entire confidence in their integrity, added the following words:—" What I am now about to say has not been written down ; it is nevertheless the result of deep thought and mature deliberation. If Mr. Bromley be required to withdraw from the meeting, I declare to you I will not stand my trial, come what will." (The reading of these extracts from the affidavits, appeared to make a strong impression on the minds of the majority of the audience.) Mr. Knight then proceeded to make some comments. He considered the conduct of the clerical court as most abominable ! It was such as he should scarcely have expected to have met with at Madrid in the early part of the sixteenth century. Any thing more contrary to courtesy, or subversive of Christian feeling, he had not met with. They admit a friend to be present ; they say that he only whispered ; that the business was interrupted by that whisper ; and that the President could not get an answer from the accused till the whisper had taken place. He repeated that all this might more properly belong to the secret tribunals of the Inquisition in the sixteenth century, than in England in the nineteenth century ! But bigotry and oppression were of no country or creed : they belonged to any country or to any opinion where the mind was allowed to exercise them. That was the defendant's own case, and the only charge on oath was, that the Lord President could not get an answer from Dr. Warren till he had consulted his friend. *Therefore*—that was the beautiful word in his brief; "*therefore*, or thereupon, Mr. Bromley was requested to sit apart from Dr. Warren, and was allowed to remain on condition of his being a hearer and spectator only ! Was ever such tyranny heard of ? Yet it took place in a civilized—in a Christian society, and amongst men whose duty it was to administer consolation and relief to their brethren ! Mr. Bromley retired, and said, " This is most consummate cruelty !" and, the deponents added, he never made the slightest apology for such remark : and, more than that, he said, " Nay, turn me out !" It was then moved that both strangers should retire, so as to leave Dr. Warren friendless and alone in the midst of his accusers and persecutors. He then expressed his determination not to stand the trial. The result had been stated ; he was decided against as contumacious. His Honour must surely admit that such treatment was not to be tolerated in a Christian community. Any thing so odious—so contrary to the principles of humanity and justice, he (Mr. Knight) had not met with. And that was the defendant's own representation of the meeting, he would not say of a court of justice, but of an assembly of Christian ministers to try a brother minister. Heaven forbid that he should be able to meet with a similar case. After they had turned out Dr. Warren's only friend, in order that the Rev. Joseph Taylor might have prompt answers, the case went on. But, say they, he *submitted to the trial.* How he submitted, his Honour had heard. But the defendants denied the bearing of the Articles of Pacification.

Sir W. Horne.—We admit that they apply to what they were intended for.

Mr. Knight.—But what would his Honour think of the case when he found that it was attempted to be placed on certain regulations made in 1791 and 1792, said to have been revised in 1797, and not put an end to by the Articles of Pacification. They alleged usage as to the suspension of ministers, but they gave only two instances of alleged corresponding usage ; one was a case of flagrant immorality, and the other was a case very different from the present. In 1792, further regulations were made as to District-Meetings ; but nothing was said as to the suspension or trial of preachers. In 1793, it was provided, that if any preacher was accused of immorality, the preacher accused and his accuser should respectively choose two preachers of their district; and that the Chairman of the district should, with the four preachers so chosen, try the accused preacher ; and that they should have authority, if he were found guilty, to suspend him till the ensuing Conference, if they judged it expedient. He believed that he had now stated all that was material : the immaterial part he would leave to his friends on the other side. By none of the rules laid down had the Manchester District-Meeting been regulated. The Articles of Pacification were adopted for the purpose of putting an end to all disputes existing among the people : abrogating, therefore, all former laws.

Sir W. Horne.—You may as well say that the Reform Bill has abrogated the statute law of England.

Mr. Knight was glad to find that what he said told. He both saw and heard that his learned friend had found that out. The *second* article of the Rules of Pacification, which had been so often referred to, and which he had just read, provided for the mode of expulsion. It was suggested that those articles related only to the administration of the Lord's Supper and Baptism ; but an examination of the articles themselves would prove that it was not so. The defendants stated also that certain minutes were passed in 1797, which revived and resuscitated the rules of 1791. But his Honour would look in vain for what was stated by the other side. But he would advert to what the other side had not stated, which was to be found in the Minutes, Vol. I. p. 378. " In short, brethren, out of our great love for peace and union, and our great desire to satisfy your minds, we have given up to you by far the greatest part of the Superintendent's authority." And again : " Such have been the sacrifices we have made, that we may truly say that *our District Committees themselves have hardly any authority remaining*, but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draft of the stations of the preachers." That was the showing of the Minutes themselves as to the extent of the authority of the District Committee ; but in their affidavits the defendants had not given that extract !

Sir W. HORNE.—Why, surely, my learned friend does not require us to put every thing in to our affidavits that we can find?

Mr. KNIGHT.—No: but they ought not to give so much of what was immaterial, and withhold a small extract that was material. He (Mr. Knight) however, was bound to give that which was material, and to withhold nothing that would counteract the statements on the other side. The conduct which had been pursued was foolish; but all wickedness was foolish, and bootless and fruitless would be all attempts to establish that which was equally opposed to law and to reason. The Minutes of the Conference contained the rules of the Society: the Articles of Pacification which were the Magna Charta of Methodism were included in those Minutes: those articles were referred to in subsequent Minutes, together with the expression of a determination to uphold them. That had been the case as recently as 1833. It had been said that those articles had been drawn up with a partial and temporary design merely. Why then had not his friends examined the only surviving preacher of nine who drew up those articles? That individual had, however, been examined on the plaintiff's side. Mr. Warren had called on the Rev. Henry Moore, and had obtained from him a clear statement of his sentiments on the subject. That statement was in every part confirmatory of the case of Dr. Warren, while it was destructive to that of the defendants. If, then, the Minutes of 91, 92, and 97, were all in force, untouched by the Articles of Pacification, his Honour would find no justification of what had been done, for where were the five preachers and the Chairman, the only power which, according to those rules, had a right to suspend or remove? The District Committee, plainly, had not that power. Even if the Articles of Pacification had never existed, there was nothing in any part of the Minutes of Conference, or in the Methodist constitution, to justify what had been done. But if the Articles of Pacification were the law of Methodism, then he contended that those articles were embodied in the Minutes of 1797, and recognised in the Minutes of 1829 and 1833. Where was there any thing to justify the flagrant act which had been committed? By no lawful power; by no course of law known to the Society, had Dr. Warren been removed—removed for an alleged offence; which, in fact, was no offence at all. He had been brought before those who were at the same time accusers, witnesses and judges! A practice that which was at variance at once with decency and justice. They were together as witnesses and partisans of the man with whom Dr. Warren was at variance! The President of the Conference went away from his own proper place to a place where he had no business, but to which he went, that, in the mask of a judge, he might wreak his vengeance on the person who had offended him! What was the Doctor's offence at the meeting itself? *He desired the assistance of one friend:* that friend dared to whisper to him, so as to prevent a prompt answer to the supreme judge —my Lord President. Then that friend was removed. Dr. Warren could not conceal his emotion: his friend saw it and said, "This is consummate cruelty." For the uttering of those words he was removed. Dr. Warren then refused to proceed with the trial. Thus his Honour had before him a case which involved in it a violation of decency, of humanity, of justice, of the feelings common to social beings; a case which was unparalleled and unprecedented in his experience, and, as he believed, in the annals of human nature. Many parts of Mr. Knight's speech appeared to produce a very strong sensation throughout the court.

Mr. KINDERSLEY said that he should commence by reading some extracts from the affidavits. As the affidavits in the two suits applied in a great measure to both, and as he believed they were admitted by both parties, he thought to read extracts would be quite sufficient.

Some conversation took place as to the best mode to be adopted. It was at length determined, in order to save time, that the course should be pursued which Mr. Kindersley had pointed out.

Mr. KINDERSLEY then proceeded to read an affidavit by the Rev. Dr. Warren, as to the constitution of the Conference—the period of his union with the body—his appointment to the First Manchester Circuit—the discussion as to the Theological Institution—the publication of his Speech and Remarks on that subject—the charges preferred against him in consequence of that publication, and a detail of the course pursued at the Special District Meeting held at Manchester in October, 1834. That course had led him to a careful examination of the *Articles of Pacification*, which had not been conformed to in his case, as they certainly ought to have been. It stated, also, that on hearing that the Rev. R. Newton was about to take upon himself the duties of the Superintendent of the Manchester First Circuit, he addressed a letter to that individual, warning him that he should consider such act as a direct violation of the rights and privileges confided to him (Dr. Warren) by the last Conference, and an unwarrantable intrusion, at the fearful risk of disturbing the peace, harmony, and prosperity of an important portion of Methodism. No answer was returned to that communication; but Mr. Newton usurped the office of Superintendent, and prevented Dr. Warren thereby from discharging his duties. It was further deposed. that he was served with legal ejectments from the pulpits of Oldham-street, Blackley, and Wesley Chapel, signed by several of the Trustees, and threatening him with legal proceedings if he did not immediately comply. He considered his removal, and the other proceedings taken against him, as highly improper and illegal; and, in conclusion, stated the *Articles of Pacification* in relation to his case, which articles had not been conformed with.

The next affidavit was that of Mr. S. Warren, the son of Dr. Warren. It stated that in a conversation he had with the Rev. Henry Moore, who was the intimate and confidential friend and biographer of the late John Wesley, and who was the sole survivor of the committee of

nine preachers who framed the articles for a general pacification between the preachers and the people of the Society in the year 1795. Mr. Moore said that the plan of pacification originated with the preachers, who, in consequence of disputes relative to the administration of the Lord's Supper, Baptism, &c., were ready to exclude each other from the connexion. From this arose the question with whom might the power reside to suspend or remove a preacher and to supply his place? Mr. Moore argued that if it were vested in trustees alone, they might be partial; if in the preachers alone, they might become tyrannical. To place the question on its right issue, he contended it ought to reside in the conjoint judgment of *all the Trustees, stewards, and leaders, together with the preachers*, to pronounce upon the case whether any preacher put upon his trial were guilty, and ought to be suspended or removed from the Circuit. The reason why *all* the Trustees, Stewards, &c., in the Circuit were included was, that otherwise the Trustees of one chapel might eject a preacher from their chapel, whilst those of another would not. As, therefore, a preacher was appointed to an entire Circuit, the official members of the whole Circuit ought to have a voice in his trial, and determine his case by a majority of such a meeting. The affidavit went on to state that these words having been read distinctly over to the Rev. Mr. Moore, he declared with considerable energy that such was the intention of the committee appointed to frame the rules of the general plan of pacification, but that wishing to avoid mixing himself up with disputes among his brethren, he would not make an affidavit unless compelled to do so.

A further affidavit by Dr. Warren was read, to shew that numerous passages which had been extracted from his pamphlets in the publications of his opponents were *sadly garbled*, and on no account to be depended upon as giving correct views of his statements and opinions.

Messrs. S. Warren and —— Wetherall made affidavit in reference to the suspension of the Rev. Henry Moore in 1826, on account of his refusal to give up the house in the City-road, to which he had been appointed by Mr Wesley. The Rev. J. Stephens, who had been appointed to the London North Circuit by the Conference, gave Mr. Moore notice to quit that house, he requiring it for his own residence. On his refusal to do so, Mr. Stephens preferred a complaint against him, and a Special District Meeting was convened, to which Mr. Moore was summoned. He had refused to attend the District Meeting, because he believed it to be illegal. That meeting pretended to suspend him, but he continued to preach in the chapels notwithstanding. Some Trustees threatened him with legal proceedings, but he defied them, and they desisted, and he continued preaching till Conference. He refused to attend to the summons of Conference, but afterwards took his seat in that assembly. He gave up no right; he made no apology. He was *charged with failure of memory, but he repelled the charge.* Those who said that the preachers of a District Meeting had power to suspend or dismiss a preacher, could surely never have read the *Articles of Pacification.* He had always protested against such suspensions whenever he had heard of them; and the only reason why he had at any time consented to such sentence was, that he believed a consciousness of guilt on the part of the accused would prevent them from making their appeal to Conference. He had most distinctly declared the suspension of the Rev. J. R. Stephens to be illegal. If it were otherwise, what preacher could have assurance of safety from persecution on the part of his brethren?

In reply to an insinuation, that the memory of the Rev. H. Moore was greatly impaired, Mr. R. Smith, of Newington, made affidavit, that Mr. Moore had very recently preached at Newington, and had exhibited powers of intellect as strong and vigorous as usual.

Mr. Smith, of Reddish House, a trustee of several chapels in the neighbourhood of Stockport, testified as to the great extent of the excitement which had been occasioned by Dr. Warren's suspension. He was astonished to hear it stated, that the excitement had nearly subsided. He believed, that not fewer than 40,000 persons were opposed to the tyranny of the preachers, and that the number would greatly increase, if the preachers did not change their course; that if Dr. Warren were not restored to his former rights, nor the Plan of Pacification adhered to, the peace and prosperity of the society would be broken.

Dr. Warren made affidavit, that though it was stated that between thirty and forty preachers had been suspended in like manner, he had attended twenty-nine Conferences, and did not believe that more than eight or nine had been suspended in that time, and those mostly for gross immorality; so that if they had appealed, no good would have resulted from it.

Mr. KINDERSLEY then entered on an argument, to shew that Dr. Warren had been duly appointed to the circuit in question, and that he had been illegally removed. In the deed of 1781, no power was provided by which he could be suspended. It was clear from the deed, that a minister, once appointed by the Conference, had power to continue, without interference from the trustees. If a preacher was thought to be unfit, the appeal to dismiss him was to be made to the Conference. The only way in which subsequent rules could apply to that chapel of 1781, was because they were rules of the Connexion. In the case of the other chapel, express reference was made to the Articles of Pacification; and that very reference was a document sufficient to prove, that those articles were the laws of the body. If the Articles of Pacification varied the rules before made, it did not matter a pin what those rules were. If the articles distinctly pointed out the difference, then there was an end to the four resolutions previously made. On examination, however, he could not see how they applied to counteract each other. The learned counsel then proceeded to an examination of the language of the rules applicable to District Meetings, as found in the Minutes of 1791, 1793, 1794. The removal of preachers by the District Meeting was spoken of, but that applied to cases of immorality only. Supposing Dr. Warren's pamphlet to be immoral, the course to be pursued was pointed out, which course certainly had not been pursued in

his case. Mr. Kindersley next commented on the Articles of Pacification, in reference to the same point, and shewed that there the case was equally against the defendants.—It was said, that the same power which suspended Dr. Warren, appointed Mr. Newton in his place; then the *clerical* body was the only body which removed Dr. Warren, in direct contravention of the rules. There was not a line in any of the Minutes, or in the Articles of Pacification, which gave such a power as that which had been set up at Manchester. That meeting was summoned by two junior preachers; the Chairman of the District was not the President, but a certain individual specially sent for from London; and the same body suspended Dr. Warren, and appointed Mr. Newton to take his place. He next referred to the Minutes of 1829, in which the preachers expressed their determination to maintain and uphold *the Articles of Pacification, and the regulations made at Leeds.* Those were stated to be the foundation of all the rules, and framed for the purpose of making peace.

His Honour observed, that reference was made to certain dissensions at Leeds; was there any record of those proceedings?

Sir W. Horne.—Yes: but they are not referred to in our affidavits.

Mr. Kindersley.—No: his learned friends quoted about twenty pages, not material, and omitted about half a page most important! The power of the District Meeting to suspend or remove a preacher was expressly excluded; and there must be something very definite and special, to prove that those regulations had been repealed. Whenever the Rules of Pacification were referred to, it was not said, "So far as they are not repealed." He thought it unnecessary to call his Honour's attention to the cases alleged *as to usage.* Why did not his friends name the instances, the dates, and so on? The fact was, that the cases were those of individuals who did not dare to object to the decision. Look at Mr. Moore's case, what did he say? "If you attempt to remove me, I will go"—where? to the Conference? to the District? No; but "to a magistrate!" They allowed his plea, and desisted. But Dr. Warren, it was said, had *submitted* to the tribunal at Manchester. But, no; they say in their affidavit that he had "*positively and repeatedly refused* to take his trial." It was a strange argument, then, to say that he had submitted. They gave him a month to submit, and said, "If you submit, you shall have a trial without any bar or disadvantage." But did he wait the month? No! in three days he wrote to them, to tell them that he should not submit to their jurisdiction. The learned Counsel concluded by expressing his opinion, that the trustees were bound to remove the restraint they had imposed upon Dr. Warren, and that the Court was bound to order it.

Mr. Kenyon Parker commented briefly upon the deeds of the two chapels, together with the laws and regulations which were in force at the date of those deeds, in reference to the appointment or removal of ministers, with the object of showing the illegality of the course pursued by the late district meeting. He had gone through the whole of the voluminous affidavits, extending to nearly 400 folios, and he could not find, except by inference, on what the case of the defendants was founded. *They had not abode by the rules of* 1791, 1792, 1793, *nor by the Articles of Pacification, nor by the Minutes of* 1797. They asserted that the rules of pacification were framed merely in reference to *doctrines*, and that *discipline* was not intended. But how came it to pass that doctrines and discipline were the headings of those articles? Had Dr. Warren been tried according to the *second* rule? Though they had sworn so long an affidavit, where was the proof of the summons? Or did they meet together fortuitously? It only appeared that the President of the Conference was sent for to fill the chair, though the rule required that the Chairman of the district should take that office. Mr. Parker then referred to the other part of the rule, as to the presence of *leaders, stewards, and trustees.* They might say that Dr. Warren's contumacy brought him within the *third* rule of the articles; but by referring to that, *they brought themselves within those very Articles of Pacification.* The resolution to suspend him for contumacy could only be founded on that rule, the articles containing which they deny to have any application to the present case. The plaintiffs, looking at all those points, considered themselves fairly entitled to the injunction for which they prayed, and to have Dr. Warren restored to the situation from which he had been illegally removed.

It being now near the time at which the Court usually broke up, his Honour said that he would hear Sir W. Horne in reply on Monday morning.

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Monday, March 2.

The Court was again crowded at a very early hour. A number of preachers from the country were present, in addition to the majority of those stationed in London. Many ladies, and some few friends of the parties most deeply concerned, were previously admitted by the Vice-Chancellor's door, and accommodated with seats about the Bench.

An affidavit was read by Mr. K. Parker, stating that one of the chapels in question would hold nearly two thousand; whereas it had been stated on the other side that it would hold only about seven hundred.

His Honour inquired into the object with which that statement was made.

Mr. Parker.—To show the extent of the mischief occasioned to the congregation by Dr. Warren's removal, as they were attached to him and to his ministrations.

Sir W. Horne.—That only proved that the agitation was the more dangerous. A storm in a tea-cup was not of much consequence; in the ocean it might occasion sad disasters.

Sir W. Horne then rose to state the case of his clients, the defendants. He said, that in so doing he did not intend, nor was it his wish, either to confuse or confound the case,

although such an intention had been attributed to him by his learned friend (Sir C. Wetherell) on the other side. All that he should have to do was, to bring before the Court the real circumstances of the case, and endeavour to explain certain statements which his learned friends on the other side had left unexplained. In the outset, then, he found himself imperatively called upon to explain a statement which had been made on the other side, relative to the conduct of his clients, the defendants, and which he was sure must have affected the feelings of his Honour, as well as the feelings of all who had heard the arguments which had been addressed to the Court. He alluded to the metaphorical language employed by Sir C. Wetherell, namely, that the usurping judges who had thought proper to act in imitation of the Inquisition, had put the plaintiff, Dr. Warren, upon bread and water. They had done nothing of the sort. It was the Doctor's own fault if he did not get a good dinner every day, and a good digestion to enjoy it; they had not deprived him of one penny of emolument by anything which they had done. He wished to draw his Honour's attention to what was the real question between the parties. The question was purely of an ecclesiastical or spiritual nature, growing out of the spiritual polity of that very large and respectable body of Christians; and though temporal consequences might be involved collaterally in the discussion of the main question, still that was only a secondary consideration. The question was, whether as to the spiritual question his Honour had any jurisdiction at all, and, if he had, whether from the case which had been made out he was called upon to exercise it. His Honour was well acquainted with the origin and general history of Methodism, so that nothing need be said on those points. One peculiarity in that system must not, however, be lost sight of; namely, the important objects proposed by its patriarchal founder. Mr. John Wesley was himself a member of the Church of England: the first persons who co-operated with him were members of that church, and, with a few exceptions, coincided in the doctrines and discipline of that church. Their duties were chiefly of a spiritual nature. It was chiefly through the instrumentality of these helpers or ministers, that the various and unavoidable temporal affairs of the Connexion were regulated, though they were all made subservient to that more important system of spiritual government which it was his grand aim to establish. He denied that Mr. Wesley was, what Mr. Knight had called him on Saturday, "the Pope of Methodism." The power which he assumed and maintained was not of an arbitrary kind; but was rather opposed to that loose kind of discipline which he had observed and lamented in the Established Church of his day. He withdrew in a measure from that church, not that he might establish a new ecclesiastical polity, but that he might superadd to the intellectual talents of the men he had selected, the milder graces of the Christian character; that he might, at the same time that he secured their confidence, make them humble, meek, and pious, and secure from them a meek, though not an abject obedience to the laws of his polity. He appointed and dismissed his ministers at his will; while both they and the people placed the fullest reliance on his wisdom and integrity, and readily yielded him a meek and quiet submission. His Honour would now see, what he had not yet been fully informed of, namely, what had been the conduct of the plaintiff himself in the case before the Court. In drawing attention to that point, he would give that gentleman the fullest credit for all which he deserved on the score of piety, and ministerial ability, and zeal in the discharge of his duties: he would not knowingly detract from his excellence, nor prejudice the mind of an individual against him. He would press nothing unfairly against him, but would draw what he had to say from a source to which Dr. Warren could hardly object—his own published account of his own conduct. Dr. Warren, as had been stated, was appointed to be superintendent of one of the Wesleyan circuits. His Honour was acquainted with the general jurisdiction of the Wesleyan body. One portion of their jurisdiction was that of Districts, formed of a certain number of Circuits, and constituted as his Honour had heard, and as would be now more fully stated. His Honour had been requested not to give less attention to this question because it was of a religious nature. He doubted whether his Honour had a jurisdiction as to religious matters, yet in that wish he heartily concurred; he not only wished his Honour not to give it less, but, if possible, greater attention than ordinary secular cases required. His Honour had been told that the plaintiff was a highly respectable man; and he did not wish to deny it:—that he was learned and pious—and he had no wish to detract from his excellencies. Yet he could not but deeply regret that a gentleman, a scholar, a preacher of peace, a pious Christian minister, should have told the Court that he is the first person belonging to that exemplary body who from the foundation of that body, a century ago, had ever brought any matter connected with the temporal or spiritual interests of the Connexion into the Court of Chancery. The object of that statement was not to shew that Dr. Warren was litigious; that he was anxious to mix temporal matters with spiritual; but to shew that, notwithstanding his meekness, his love of peace, his general subordination to the spiritual jurisdiction of the Connexion—such was the enormity of the present case, so severe and unchristian was the spirit of persecution by which he had been pursued, that he had found it necessary, for the first time in a long series of years, to appeal to the secular jurisdiction of that Court. Whether there was sufficient foundation for the present application, his Honour would judge when he heard the circumstances out of which it arose. It happened unfortunately, on a certain occasion, that all the members of the Wesleyan Conference did not agree. (A laugh.) And on that unhappy occasion, Dr. Warren had the merit, if merit it was, of being *the only dissentient.* (Several preachers and others exclaimed No.) Gentlemen might seem surprised at that statement, but he was prepared to prove it on the Doctor's own showing:—from his own published statement, he could prove that the plaintiff was the only dissentient. (No, no.) If the

Conference were considered as composed of one hundred, then there were ninety-nine opposed to one; if of four hundred, then there were three hundred and ninety-nine opposed to one! (No, no.) He did not mean to say that because the Doctor was single, he therefore was not right: it had happened that a minority, yes, even a single individual, had viewed a question more clearly than a large majority. But the Court was now to decide whether Dr. Warren, being a mere unit—(No, no)—in an assembly whose fundamental principles were those of meekness and peace, and whose decision should have been bound by the majority, had acted rightly in not submitting in silence and humility, but in publishing the pamphlets which had created the painful necessity to take the steps that were now complained of. When that pamphlet was read, the Court would be enabled to judge whether the spirit of Christian meekness and forbearance appeared to have been exercised by Dr. Warren, or by those gentlemen to whom his learned friends had thought proper to apply so many epithets of tyranny and oppression. The real cause for which Dr. Warren had been cited before the district committee had been omitted by his learned friend. Those who had only listened to the counsel on the other side, would not have supposed it possible for ministers of peace to quarrel so violently. Or if they conceived the plaintiff to be a man of peace, they must believe that the persons with whom he had to deal were about the worst in any—he would not say *Christian* community, but in any *heathen* community, the members of which could be brought before the Court. Whether such was the real character of that most respectable, meek, and pious community, his Honour would have ample opportunity of judging, when he had heard the whole case. He would now let the Doctor introduce himself; or rather, he would act as master of the ceremonies, and introduce him as he appeared in the pamphlet which he held in his hand, and which he supposed the Doctor would not wish to withdraw. That pamphlet, he believed, might be safely trusted as faithful evidence, because he understood that the Doctor was a person who never spake or wrote but "most advisedly." (A laugh.) Whether pamphleteering was one of the duties of his calling as a Methodist minister, he knew not; but he felt persuaded that *such* pamphleteering as that, was in direct violation of the best principles and truest interests of any Christian community.—Sir W. Horne then proceeded to read portions of the pamphlet, entitled, "*Remarks on the Wesleyan Theological Institution, for the Education of the Junior Preachers: together with the Substance of a Speech delivered on the subject in the London Conference of* 1834;" commenting on them as he passed along.

The Doctor commenced thus:—

"It is with unaffected reluctance, and even with pain, that I feel myself called upon to lay before the Wesleyan Connexion, my reasons for publishing this Statement, as well as the Address which I delivered in Conference, on the subject of the Wesleyan Theological Institution."

The pamphlet therefore was *an appeal* from whatever tribunal might have decided the particular question—an appeal addressed to the Wesleyan body at large. It might be justifiable and proper for a man to state his sentiments, and there were cases in which publicity was innocent and laudable. But in religious communities, it surely was of some importance to consider how far the publication of an opinion might involve the harmony and peace of its clerical and lay members: such a step required all that deep thought and careful deliberation, which the Doctor said he always exercised. He thought the Doctor ought to have doubted before he did that which, with the best intentions in the world, might be to throw a firebrand into the Connexion, and kindle fierce contentions in a body which he said he so deeply loved.

"Still," says the Doctor, "I think it my duty to give the body, generally, an opportunity of examining the validity of the grounds on which I opposed this measure; to record my *protest* against it; and, at the same time, to set myself right with those who may have received impressions artfully circulated to my disadvantage, for the purpose of prejudicing my cause, and rendering my statements unavailing."

He (Sir W. Horne) did not know whether in that spiritual house of peers there was any such thing as recording a protest; but a protest was a serious thing, especially in reference to matters which had peace and charity for their object. When an individual who was opposed to any act of legislation, or to any article in a code of laws, justified himself by making a protest, and appealing against the majority, the measure at all times was one of doubtful propriety; but if a protest were made, it should never be done at the expense of charity, or in violation of common decency, and even common justice. If to protest be right, then what might be the consequence? If it were right for one to protest out of four hundred, would it not be equally right for the remaining three hundred and ninety-nine each to protest against him, and to write a pamphlet in vindication of their opinion, and in condemnation of the opinion of the dissentient. And would any man say that it was the wish or object of the Founder of Methodism, that what was decided by the majority in Conference, should be animadverted upon by objecting individuals, who might address the body at large. But what was the spirit in which Dr. Warren had published his opinion? "That I may set myself right with those who may have received impressions artfully circulated to my disadvantage." As to what passed in Conference, though it might not be strictly secret, it was not intended to be talked about and discussed out of doors; when therefore the Doctor talked of impressions being artfully circulated, against whom could he prefer the charge, but against the three hundred and ninety-nine who were shut up in Conference with him? (No, no.) As no other persons heard what passed, no other persons could circulate it. Here then was an insinuation against the Conference, the legitimate spiritual guides, the accredited ruling power of the whole community. The Doctor then proceeded to remark on "the unfairness with which he had been treated," and of the "base motives openly imputed" to him. But, said he,

"Even this consideration would have been insufficient to call forth the present publication, had not the extent to which my character had been injured, been most explicitly announced to me by the Secretary of the Conference, the Rev. Robert Newton. Towards the conclusion of the Conference, that individual, with an affected air of frankness, volunteered the following communication to me, during one of the sittings of the assembly—'I will tell you candidly, Dr, Warren, what, perhaps, no other person has had the honesty to communicate to you, that all the Brethren say, had you only been proposed to fill one of the offices in the Institution, we should never have heard of your opposition.' Such a statement, spontaneously made to me, and coming from such an authority, gave me at once to see, that whatever abatement might be made to reduce this random expression of the Secretary to tolerable accuracy, a serious injury had been inflicted both upon me, and upon the cause which I advocated. No other expedient therefore remained, but that to which I now have recourse, to free myself from this dishonourable imputation; and especially, as I was authoritatively refused *by the Chair* the liberty of doing so, at the commencement of my address—the only moment when it could have been of any material value—and was obstreperously clamoured down by the opposite party."

He (Sir W. Horne) did not know what were Dr. Warren's notions of a party, but it was not usual to call it a party when all present were of the same mind except himself. (No, no.)

"Agreeably to a direction of the previous Conference, a Committee of twenty Preachers was appointed to meet in London, on Wednesday, October 23d, 1833, 'to arrange a plan for the better education of our junior Preachers.' This Committee met accordingly, and continued its sittings, by various adjournments, until Wednesday, October 30th. In most of its leading Resolutions, relative to the desirableness of an Institution, I concurred, till subsequent resolutions rendered the scheme suspicious—principally as being likely to create or strengthen *a party*, rather than materially to improve the character of our ministry—to become an instrument of undue power and influence, in the hands of its chief promoters, over the just liberties both of the Preachers and of the People. The first suspicious circumstance which occurred was, the eagerness with which certain members of the Committee, quitting (as Mr. Bunting himself more than once afterwards acknowledged) the legitimate subject of discussion confided to them by the Conference, proceeded of their own authority—*to nominate the President of the Institution!* Even this circumstance, however—staggering as it was—did not so far influence my mind, as to prevent my concurrence with the Committee in the nomination of the Rev. Jabez Bunting to the Presidency. The offices of Theological and Classical Tutors remained to be filled; and anxious to try at least the fairness of the motives which dictated such an anomalous and unwarrantable proceeding, I rose and named two individuals of unexceptionable character and qualifications, who were NOT members of the Committee, as suitable to be put in nomination for the vacant offices. This proposal was, however, at once rejected, and two others who WERE members of the Committee were nominated in their stead!"

Thus it was evident that Dr. Warren was the assailant; he inflicted the greatest possible wrongs upon men who did not deserve it, and who could not justify themselves but by following his example, and writing scurrilous pamphlets!

"This proceeding, together with the astounding proposal, that Mr. Bunting should not only be the President of the Institution, but also a Theological Tutor, and, moreover, still retain the laborious, responsible, and influential office of senior Secretary of our foreign Missions, developed the sinister intentions of the parties, and led me at once *openly* to express, in the hearing of that individual himself, that to such an extraordinary assumption of power I would never give my consent. From that moment my mind was strongly impressed with this conviction—that whatever partial advantages might be ultimately derived from such an Institution (although even these are doubtful), they would be far over-balanced by the immense dangers immediately consequent on its adoption."

The public had recently heard of the concentration of several important offices in one individual; it had been said that he was "Dictator-General of the Foreign and Home Department." And, as if by a spirit of prophecy, and carrying the same worldly maxims into a spiritual community, he (Dr. Warren) had created a sort of precedent, and had accused one individual, Mr. Bunting, of being Dictator-General, both foreign and domestic!! (Laughter.) Yes! and would it be believed, that same Doctor afterwards filled the chair at a public meeting, where one of the resolutions was—what did his Honour think?—to "*stop the supplies!*" (Much laughter.)

Mr. KNIGHT.—No such thing: you're quoting from the circular of the Manchester Association.

Sir CHARLES WETHERELL.—Just so.

Sir W. HORNE.—Dr. Warren went on to say, "I at once became the *sole dissentient*;" all were unanimous but the Doctor.

"I at once became the sole dissentient, and was recognised and declared to be such, in the Resolutions subsequently put from the Chair. Is not the silly calumny, communicated to me by the credulous Secretary, now fully refuted?"

The Secretary might be credulous, and the Report might be silly and calumnious; but it would have been more magnanimous if the Doctor had borne with the silliness of the one and the credulity of the other, rather than have so obstinately objected.

"My opposition the fruit of my own exclusion from office? Absurd! Did I not vote for Mr. Bunting?—and (without waiting to see whether *I* was one of the elect) instantly nominate two of the ablest and most respectable of my Brethren for the remaining offices?—to say nothing of the incongruity of the thing,—that, at my age, and with my habits of life, the situation of a *Schoolmaster*, or of a *House-Steward* under *such* a President, could ever be an object of my *ambition!!!*

Ambition? Why, who said he was ambitious? How came he to let out that secret? Ambition ought to be excluded from the mind of a Christian Minister, and he hoped sincerely that it was excluded from the mind of Dr. Warren; otherwise it might be suspected, from that very circumstance, that even he had within him a spark of ambition. The Doctor then referred to an adjourned meeting of the committee on the subject of the Institution:—

"It was at this meeting that certain modifications of the plan, as left at the October Committee, were proposed for approbation. I stated at once, that in consequence of what had occurred at the October Committee, and the subsequent correspondence, I was constrained to dissent in principle from the *entire*

*project;* reserving to myself the opportunity of stating my reasons more fully in my proper place in the Conference,—as such an exposition would have been unsuitable to the Committee as it was then composed. It was on this occasion that Mr. Bunting first presumed, amidst the surprised silence of the Committee, to insinuate, that I was under the influence of some mean—some unhallowed motive, in dissenting from my Brethren; adding, in a tone and manner peculiarly his own,—that my opposition was, '*the most* UNPRINCIPLED *which he ever knew*,'—subjoining, after a pause—'*and I speak* ADVISEDLY.' Adverting to the mixed character of the meeting in which we were associated, and what was due to the reputation of Ministers of Christ, in the presence of their People, I forbore to make any remark upon the unseemly outrage which had been committed, not only upon the 'charity which thinketh no evil,' but also upon the ordinary rules of good breeding; hoping I should at least be able to set myself right with my Brethren in the Conference. It was, indeed, under serious consideration by me, and several of my friends, subsequent to the utterance of these opprobrious and unchristian words, whether it was not my duty formally to bring Mr. Bunting before the Conference, to answer for his unwarrantable language and conduct."

Again:—

"Under these circumstances, I deemed it *essential* to my being duly heard on the great argument of the Institution, that I should first endeavour, before my Brethren in Conference, to free myself from the unworthy aspersions which had been thus cast upon me, to the great detriment of the cause which I had to advocate: little thinking of the *coup de main* that was to be presently attempted! To my amazement, it was sought—I need hardly add, on grounds the most puerile and frivolous—in the first instance, *utterly to exclude me from taking any part whatever in the debate!* And it was not till after a conflict of upwards of an hour, that I succeeded in vindicating my right to be heard.—Did this savour of the spirit of candid inquiry? This device having failed to take effect, the next endeavour—somewhat more successful—was, to defeat every effort which I made to justify my conduct, in vindication of my motives from the calumny which the Rev. Mr. Bunting had been permitted openly, and without restraint, to fix upon me, in the presence of *lay Gentlemen*, as well as of my Brethren in the Ministry. As this was obviously the very first point to which I was bound to direct my attention in delivering my sentiments: what must every impartial person think, when he is informed, that the moment I began to clear myself, in temperate terms, of the base motives imputed to me by Mr. Bunting, I was forbid *by the Chair* to say one word on the subject, under pretence that I was *not in order!* and, in addition to this, that I was not allowed to advert to any thing which had passed in Committee,—'because that was *personal* matter! and must restrict my remarks only to the Resolutions which had been read in Conference!"—It was in vain that I remonstrated,—that I urged, how utterly impossible it was, on that condition, to make any rational statement whatever of my reasons for opposition, since almost all my arguments arose out of what took place in Committee."

Dr. Warren complained of being prevented by the Chair from delivering his sentiments. He (Sir W. Horne) did not know what the public had to do with that; the majority had a right to decide on such matters; the assembly all thought that the Doctor was out of order; he appealed to the Chair, and was ordered to sit down. Surely he had no right to make *personal* matters the subject of public debate.

"Suffice it to say," says the Doctor, "that after a long continuance of the most indecent, unmannerly uproar I ever witnessed in a public assembly, I was obliged to submit to the hard necessity of entering, with the consciousness of prejudices unremoved, upon my arduous argument; not, however, till I had distinctly told the Chair, and the Conference—with special mental reference to the step I am now taking—that since I had been refused the justice of vindicating myself, and my cause, against calumny, before that Assembly, *I should reserve to myself the right of doing so in whatever other method I might think proper.*"

The Doctor then gave his speech, near the commencement of which was the following language:—

"Nothing, I do assure you, sir, is farther from my intention, than to avail myself of the too frequent occasions lately afforded me, of retaliating the rude and unbrotherly treatment which I had to encounter in some of the preparatory Committees. Such retaliation I deem utterly beneath the dignity of the subject under discussion, and the character of the audience before which I now stand. Carefully, therefore, will I endeavour to abstain from all such rash and boisterous volubility of speech, as that to which I allude, and cheerfully leave that unenviable talent in the undisputed possession of the individual who thought proper to have recourse to it, in opposing me in Committee."

In looking at the speech, which Dr. Warren complained he was not allowed to deliver at length, he (Sir W. Horne) was reminded of a story told of the celebrated patriot, John Wilkes; he persisted in a demand to be heard in the House of Commons, though the majority thought him greatly out of order. He made several attempts, and could get no further than "Mr. Speaker," when at length he bawled out, "I must and I will speak, for my speech is already gone to the press, and will be published in the *St. James's Chronicle.*" (Much laughter.) Dr. Warren then referred to the attempt of some persons to impute ambitious motives to him:—

"I do here solemnly declare, no situation whatever connected with the projected Institution, ever presented itself to my mind, as an object of desire.—I appeal to the whole course of my life; whether my conduct has ever merited this intemperate, this cruel, nay, even slanderous imputation of ambition—or of intrigue—or of grasping at place or power in our Connexion: and whether (in the judgment of my honoured Fathers and Brethren, who have known me now between thirty and forty years, as a Preacher in the Methodist Body), whether, I say, this ungenerous, this unchristian insinuation is not descriptive, rather of the individual who *uttered* it, than of me, on whom he endeavoured to fix it, with a view to excite your displeasure against me, and to prejudice my statements!!!

It was certainly not right to impute ambition to any one of its members in such an assembly; yet there might be such a thing as ambition; and when one party was found stoutly denying the insinuation, and the other party, not a small one, all concurring that there was some foundation for the suspicion, there was reason to suppose that there might be such a foundation. The Doctor then went on to speak of Mr. Bunting and other individuals in a similar tone and spirit. He also gave the last letter which Mr. Wesley addressed to the Conference, exhorting the preachers to maintain union and affection. And then he used the terms already quoted in reference to Mr. Bunting, "*almost the sole Dictatorship, both of the Home and*

*Foreign Department.*" Then he stated, that to his utter astonishment it was declared that the Committee had been quite *unanimous in their conclusions*, though he had been publicly declared by the Chairman to be *the only* dissentient, In another pamphlet Dr. Warren furnished a letter from Mr. Robert Newton, and some remarks upon that individual.

Mr. KINDERSLEY here objected that the Learned Counsel was about to quote from a pamphlet which had been published subsequently to the Doctor's suspension.

Sir W. HORNE contended that he had a right to go into the whole question of Dr. Warren's conduct and publications up to the present time. The Doctor had brought a bill into that Court to be reinstated in his rights, and allowed to preach in the Chapels from which he had been ejected; his whole conduct therefore, down to the present moment, must, he apprehended, be brought before his Honour. Surely, he (Sir W. Horne) was not to content himself by bringing before his Honour a meagre case, such as the plaintiff himself might be willing to furnish! His learned friend could scarcely be serious in making such an observation. The pamphlet from which he was about to quote, was entitled, "*An Account of the proceedings of a Special District Meeting, held in Manchester, October 22nd and 23rd,* 1834." First, there was a letter from the Rev. R. Newton, enclosing the charges preferred against the Doctor. On that letter he should make no comments. His learned friends might make what observations they pleased upon it: he need say nothing in defence of Mr. Newton, or the matter of his letter. Then followed the charges:—

"1. That Dr. Warren, by the publication of his pamphlet, entitled, 'Remarks on the Wesleyan Theological Institution for the improvement of the Junior Preachers,' has violated the essential principles of our connexion.

"2. That the said pamphlet contains sundry incorrect statements and misrepresentations of facts, highly prejudicial to the general character of the body.

"3. That the pamphlet contains also certain calumnious and unfounded reflections upon the character and proceedings of the Conference, and on the motives and conduct of individual preachers.

"4. That the said pamphlet is distinguished by a spirit of resentment and uncharitableness highly unbecoming the character of a Christian minister, and obviously tending to produce strife and division in our societies."

Now, no man could doubt that the last charge was accurately reasoned. Could the Doctor suppose that his pamphlet would not be examined and animadverted upon? A pamphlet which called in question the tempers, motives, and designs of a large and respectable body of accredited ministers? If he did not expect that, then he must have supposed that the Conference would succumb, and prostrate itself before the whole body, acknowledging that it had acted contrary to Christian views and feelings. Unless he gave the members of the Congress credit for piety and meekness of which he had not set the example, he must have felt convinced that his pamphlet would not remain unanswered. Had the preachers in his district not taken the course they did—had not some gentleman stood forth as the champion of the Conference, in order to vindicate that respectable body from the aspersions cast upon them, each individual who was accused in the pamphlet, or who was insidiously reflected upon, must have published a separate pamphlet in his own defence; and then the consequence would have been, that instead of enforcing peace and order, meekness and submission, by their own example and conduct, as well as by their precepts, they would have been converted into a set of angry disputants and pamphleteers. Was not Mr. Newton right, therefore, in enclosing the charges which he did? and was it not justly stated in those charges "that Dr. Warren, by the publication of his pamphlet, had violated the essential principles of the connexion?" But he would call his Honour's attention more immediately to the pamphlet itself.

"Let the common sense of the whole Connexion say,—let the voice of the British public say, whether any just proceedings, in the way of trial at all,—and especially a trial in which my very existence as a Christian minister was placed in peril—could be instituted upon such charges as this precious document presents? What must the universal opinion be, of the competency of the Rev. John Anderson, Superintendent of the Third Manchester Circuit, to assume the new character of *Attorney-General*, as my Accuser, when he has neither sufficient wit or knowledge to draw up even an Indictment, so as to be able to proceed one step in my trial."

Now, if the Doctor were writing thus of laymen, he would say that it was extremely flippant, and it was absurd in point of reasoning. Every one knew that no individual could act as Attorney-General without a special, a royal appointment. And in the Wesleyan Connexion all were bound to act according to the general laws, and no individual could by any possibility stir a step, but as those laws directed him. No Christian minister would be so profane as to attempt an imitation of an indictment by the Attorney-General in criminal matters. And that was written "advisedly," coolly; when the speech had been written and spoken; when the heated matter had exploded! When the Doctor sat calmly down to write a cool criticism on what had taken place, how did he express himself? "And this, too, with all the counsel and assistance of the Rev. Robert Newton, and"—then that awful name followed, *horresco referens!* which his friend Mr. Knight had pronounced so solemnly and emphatically—"*the Rev.* EDMUND GRINDROD!" (Much laughter.) And why did Mr. Knight dwell on that name of Grindrod? Because no counsel entered more fully than Mr. Knight into the feelings of his client. Why did he dwell with such emphasis on the name of Edmund Grindrod? Because his spirit was the spirit of his client; and what was the spirit of Dr. Warren when he wrote that terrible name, Grindrod? (Much laughter was excited every time the learned counsel pronounced the name of Mr. Grindrod, chiefly owing to the very emphatic and harsh way in which he pronounced it, dividing it into two distinct syllables:—GRIND-ROD.)

"The Rev. Edmund Grindrod, the Rev. John Hanwell, the Rev. Jonathan Crowther, the Rev. Joseph Hollingworth, and of other divines not a few. Yet, from such a counsel as this, and with this hopeful beginning, the far famed Manchester Special District Meeting proceeded, without farther evidence, to inflict the highest possible penalty upon its victim, for the crime of treating its Charges with merited contempt!"

Sir C. Wetherell had followed up the charge preferred by the Doctor against the courts formed at Manchester, and had lamented that he had not been present there to have confronted Mr. Grindrod and those other divines. It had been said that Dr. Warren had pleaded to the jurisdiction of that court; but he did not: he acknowledged that the court was competent to decide, but, in the full consciousness of innocence, he treated the accusation with contempt, and left the court. Dr. Warren was well read in the rules of the Methodist Connexion; he was the author of a most valuable "*Digest*" of all those rules; but he did not in that Digest treat the District-Courts with contempt. Neither did he at Manchester. He went to the court; he anticipated what its decision would be; he judged what would be the decision of the Conference also; because he knew that they would act as Christian men—that they would determine in a spirit of charity; he knew that they could not act otherwise; regarded their decision and the consequent reference to Conference as their "*ultimatum*;" and he asked that if he were not accounted worthy to occupy the station he had heretofore filled, he might still be considered a humble private member of the Methodist Society. Then the Doctor proceeded to call the attention of his readers to "the character of the judges who were to deliberate and pronounce sentence." His Honour would be pleased to attend to that, because it showed that the observations of the Doctor went, not to the judicial character of the court, but to the individual characters of the persons who composed it. In other words, the pamphlet was libellous, and assailed the characters of all the persons concerned in the case. He doubted whether his Honour had any jurisdiction, but if he had, he would doubtless confirm what that court had done, and so determine the competency of that court. He should by-and-by refer to the articles of pacification, andshould not deny them to exist in force according to their just construction; but he should also shew that such courts existed before the drawing up of those articles, and that they had for now nearly forty years exercised *omnium concensu*, the authority and powers by which Dr. Warren was brought to trial and sentenced to suspension. He would present to the court a list of seventy cases in which the district court had tried and passed sentence on seventy individuals; and in searching the records of that abused and usurping court, as it was now called, he thought he could lay his finger upon one case at least in which Dr. Warren himself had sat as a member of the court. But what said Dr. Warren about the judges who were to try him. The *Rev. Joseph Taylor* was first mentioned. He knew not that any of his learned friends intended to suggest that Mr. Taylor was an improper person to preside at such a meeting. He could hardly think that it would form any objection to the tribunal which the plaintiff complained was not respectable enough, that Mr. Newton endeavoured to add wisdom and weight to it by requesting the President of the Conference to attend, the very gentleman whom the whole body of the preachers had thought fit to place in the Presidential Chair. Really, when he found Dr. Warren making such objections, he for one could almost wish that he had not been silenced, but that he had still authority to occupy the pulpits of the circuits; he might then have been doing his accustomed good by means of his regular ministrations, and would not have diffused so much mischief by writing his sarcastic pamphlets.

"In the first place, instead of the regular Chairman of the District, appointed at the Conference to preside on all such occasions, the *Rev. Joseph Taylor*, President of the Conference, is sent for from London, to sit in judgment upon me."

His Honour would see whether the meekness which became the Christian character, and the charity which not only did not speak, but which *thought* no evil, was not grossly violated in those remarks. Sir C. Wetherell, too, had put Mr. Taylor in comparison with Judge Jeffries.

Sir C. WETHERELL.—No: I said nothing about Judge Jeffries; that was Mr. Knight. *I* referred to Dr. Sacheverell, and to a sermon which he preached.

Sir W. HORNE.—What, a sermon on "*Perils amongst false brethren*??". [Much laughter.] Well, Mr. Knight used it in illustration of his argument; but what did Dr. Warren say?

"The very same personage before whose bar at the Conference, I was treated with so much *justice* and *mercy*, when I was endeavouring to clear myself of the foul aspersions cast upon me by the Rev. Jabez Bunting. Was ever a more complete piece of Jeffreyism played off, since Judge Jeffries went to his own place."

The awful terms which were used by an apostle in reference to the worst man that ever lived! And that from the lips of Dr. Warren to the gentleman who filled the highest office in the Connexion, whom the Doctor had himself acknowledged, and to whose authority he had bowed! Yes, he compared him to the very worst judge that ever disgraced the bench of this country, and made that reference as to his future state! Was it consistent with the character and office of a Christian minister, to speak of an aged brother minister thus, and did not such remarks merit the reprehension of his brethren and of that Court? But he would argue that point no further. Even among mere worldly men, such language was not common; there was a sort of respectful tenderness for the dead among most men. *De mortuis nil nisi bonum.* Dr. Warren himself was constrained to add—

"It is, however, due to the President to notice, that he was not wholly unconscious of the unseemliness of his situation, and of the opinion which might *possibly* go forth concerning it. He therefore addressed the meeting in a short speech on the subject, and 'begged that the Brethren would endeavour to leave *him* out of their thoughts on the case before them, although personally concerned, and confine themselves to the consideration of matter of fact.' This, then, was the person appointed to be my chief Judge."

Did Dr. Warren intend to intimate in the next sentence that Mr. Newton did not most worthily fill the station which was assigned to him by his brethren?

"Next in order and in dignity, was the Rev. Robert Newton, Chairman of the Manchester District; the very individual whose insulting communication to me, during one of the sittings of the Conference, furnished the chief argument for publishing my pamphlet, telling me 'that all the Brethren said, had I only been proposed to fill one of the offices in the Institution, they should never have heard of my opposition;'—and this too, when the communication could not by possibility have served any other purpose than that of lacerating my feelings, as the debate had been closed for two or three days, and I had sunk down into perfect quietness. This disinterested person also, was now to perform the part of one of my Judges; and on a capital indictment."

Did not Dr. Warren know, unless he wished to extinguish district meetings altogether, that such Committees must necessarily exist? Was not the Chairman regularly appointed, and was it not his duty to be there? The remark of Dr. Warren was an attack upon an individual, therefore. The only argument against his presence could be, that as an individual he might have some personal enmity against him. But in the present case he went from the office to the man; he abused him personally. He raked up his own pamphlet, libellous as it was, and thus inseparably connected the first pamphlet with the second. That would be a very convenient way of getting rid of the jurisdiction of all courts. The argument might be cut short at once. Dr. Warren was a dissentient; the Conference was opposed to him; he abused the Conference; his abuse was just; in the Committee convened there was a member of that Conference, therefore the Committee was illegal! But such an argument would prove too much; for on the same principle, he might object to the Conference itself. "Another of my judges was the remarkable *Jonathan Crowther*." It was rather singular that as soon as Dr. Warren noticed any man, he instantly became remarkable.

"The remarkable Jonathan Crowther, with the whole weight and circumstance of his *Dictionary-learning*, combined with that sweetness of disposition which characterises his compositions, and breathes through almost every line of his lately written pamphlet."

Dr. Warren had spoken just before of a capital indictment. He (Sir W. Horne) did not know what notions the Doctor had of a *capital indictment*; this indictment did not affect life or limb; there was no wish on the part of his clients to mutilate the Doctor; they had no wish to cut off even that most offending member, the tongue. But the remarkable Mr. Crowther had published a pamphlet, containing "A Reply to the Remarks of Dr. Warren:" it was said that two of a trade did not agree, and as they had had a sample of Dr. Warren's style, they might take it for granted that Mr. Crowther's was very different. The Doctor proceeds,—

"That it has fallen short of the mark at which it aimed, is the fault neither of the eye, nor of the heart of him who drew the bow, but the feebleness of his arm."

Was that Christian charity? Suppose the Secretary disarmed, on the banks of an American river, and the learned Doctor standing near with a tomahawk in his hand; what chance would the "dictionary-learned" Secretary have then? Could he escape from the man who said that he had not been struck, because the arm that intended the blow was too feeble? No: the Court might easily guess that the tomahawk would not be borne in vain!

"Such, however, is the fact, that this individual, who has evidently drawn together all the little resources of his *pedagogical lore*, and combined whatever assistance he could call in from his Brethren in the Ministry; and especially the supervision and correction of his *Reverend protegé*, in order to convict me of falsehood, and render me obnoxious to the condemnation and heaviest punishment of a Methodistical Court:—this remarkable scholar, gentleman, and Christian, is also, on this memorable trial, constituted one of my Judges."

"Constituted!" Why, did they constitute themselves? From Dr. Warren's statement it might be supposed that Judge Jeffries, who was "gone to his own place," or some of the secret, subterranean agents of whom his learned friend had spoken, had suggested and "constituted" the tribunal. (Laughter.) He had no doubt that, if the Doctor's suspension was removed, and he discharged the duties of his office with his accustomed ability, he would again become one of these judges in rota, and perform the duties of a legally "constituted" court. "I say nothing of the amiable *Mr. Grindrod*, who was on the other side of the Atlantic, transacting *important negotiations* in Upper Canada, when most of these events transpired." Why, of course, he would say nothing of the absent, as became the spirit of Christian charity; "nor of the mild and benignant *Mr. John Anderson*, who was at once my chief *accuser*, and another of my *judges!*" Mr. Anderson was called his accuser with as much propriety as his Honour or the Lord Chancellor would be called accusers, because the summonses issued to persons to attend were in their names. In a note at the bottom of the page, the Doctor says:—

"Is it not somewhat remarkable, that the Faculty of '*Wesley* College' in America, in their liberality of conferring Degrees, should have overlooked the Rev. Edmund Grindrod—an individual who has so greatly *endeared* himself to this country, and lately to America itself, by his skill in Diplomacy—in not conferring as well on him the equally merited honour of D.D. as upon his *learned* friend Jabez?"

(Laughter.) Why, it might have been supposed that it would have softened his asperity to have found that Mr. Grind-rod was an unsuccessful candidate for degrees! But he intro-

duced that topic for the sake of mentioning "the *learned* Jabez." Dr. Warren then spoke of his witnesses. If he understood Dr. Warren rightly, in his "most advisedly" written book, he had spoken of Mr. Bromley as one of his witnesses. It might be right for Mr. Bromley to make notes and to whisper, for the purpose of assisting his friend, but if he really was a witness, and if the meeting was to be conducted on the principle on which his Honour's more profane tribunal was conducted, what would be thought of a witness acting as counsel, and managing the defence, and holding consultations in what the pamphlet called "a whisper," and on account of which, it was thought necessary to exclude him. All that might be friendly, but it was surely not the part for a witness to take. If Mr. Bromley was to be a witness, nothing could be more proper on the part of the tribunal, nor more important to the integrity of Dr. Warren's case, than to order him to withdraw. If Mr. Bromley was an *amicus curiæ*, it would have been strange if the judges had allowed him to sit among them, when he accused them of being the most cruel scoundrels he had ever met with. (Laughter.)

"Immediately after prayer, the Secretary of the Conference, the Rev. Robert Newton, requested permission of the Meeting, that the Rev. Mr. Mc. Donald, then in Manchester, although not a preacher in this District, might be permitted to be present during the trial. To this the Meeting readily consented. Dr. Warren then asked the same privilege for a friend of his; stating, that although he also was not a preacher in this District, yet he was a preacher in full connexion, and one who was present during the late Conference. To this also consent was given. Messrs. Mc. Donald and Bromley were accordingly admitted without any further conversation on the subject."

Now he (Sir W. Horne) could readily imagine a gentleman to say, "Let a friend of mine be present," if he admitted the validity of the tribunal; but if he denied the validity of the court, why did he ask that permission?

"Mr. Bromley, on entering the room, courteously paid his respects, first to the President, then to several of the Brethren, and lastly took his seat on the left hand of his friend, Dr. Warren. It was then required as a further condition, that he should not be permitted to take notes in writing of what passed. To this also Dr. Warren consented. An additional injunction was also made, that Mr. Bromley should not be permitted to speak on any thing connected with the trial about to proceed. Even in this strange proposal the Doctor also acquiesced."

The Doctor then stated the course pursued at the District Meeting.

"It was then proposed to him by the President, whether he preferred to have all the four Charges gone through before his reply, or to have them taken up separately. Availing himself of this kind alternative, he said in a *whisper* to his friend Mr. Bromley, 'Do you think with me, that it would be preferable to have them all gone through first?'—On Mr. Grindrod's perceiving that Dr. Warren whispered to his friend, he rose, and with considerable warmth protested against Mr. Bromley's being permitted to assist the Doctor by acting as his counsel, or even sitting by him. It was stated by the latter, that he was not aware that Mr. Grindrod's interdict went so far as to prohibit even a whisper. All that he understood by it was, that Mr. Bromley should not be permitted to *plead* as Counsel for the Defendant. If, however, this was offensive to the Meeting, the Doctor would consent to forego even this privilege, and that his friend Mr. Bromley should also remove to another part of the room. On being about to seat himself next to Mr. Grindrod, the latter, with a gesture which strongly indicated the approach of a great nuisance, a countenance scarcely human or divine, and with an intonation of voice not soon to be forgotten, refused Mr. Bromley the *privilege* of sitting by him. Finding his proximity to Mr. Grindrod to be so insufferable, he removed to a salutary distance, and selected a situation among others of his Brethren, to whom his contiguity might be less annoying."

(Much laughter was excited by the reading of the foregoing extract.) Now, if Mr. Bromley went as a witness, he had no right to be present during any discussion; and if counsel was not allowed—and it was not allowed—then he had no business to be there. When he was told that he was not to speak, Dr. Warren acquiesced; and he certainly had no right to take notes. If Dr. Warren had attended any of the profane Courts of Westminster Hall, or any of the temporal Circuits which he and his learned friends were in the habit of visiting, he would see the full propriety of all that had been done. He (Sir W. Horne) did not commend Mr. Grindrod for having spoken with "considerable warmth." Things ought to be done in those spiritual courts, with as much coolness, as he and his learned friends transacted their concerns in those temporal courts: they were never warm. (Laughter.) He did not know Mr. Grindrod, with "his countenance neither human nor divine," but though he might not have thought Mr. Bromley "a great nuisance," he should not have liked him to have sat too close to him, if he was likely to have discomposed his papers. But Mr. Bromley removed.

"Thus severed from Dr Warren, and no longer allowed the privilege of interchanging a word, or even a whisper with him—although he saw his respected friend and companion upon his trial, on a capital indictment—the following expression of grief and indignation involuntarily escaped his lips into the ear of a preacher who sat next to him (but even this too was uttered in a whisper)—'*This is consummate cruelty!*' Unfortunately, this expression, which was intended only for the private ear of the individual whom he addressed, was overheard by the Rev. John Anderson, who happened to be next to him. In violation of all the civilities and decencies of society, he immediately published aloud to the whole Meeting what he had thus detected."

What violation of decency was there in all that? Was it consistent with the condition on which he was admitted, to whisper in the ear of the judges? No judge upon any secular bench would think it right, if any one had the folly or indecency to go up to him and whisper in his ear—

Sir C. Wetherell here rose, and, with a very low bow, said, in a subdued tone of voice, "May *I* be allowed to *whisper* to the *Judge?* (A laugh.)

His Honour (with a smile.)—What is it you wish to ask, Sir Charles?

Sir C. Wetherell (still in a low tone, which occasioned continued laughter, in which His

HONOUR joined.)—Some persons who stand behind are very greatly inconvenienced in consequence of the curtain being thrown back and a powerful stream of cold air rushing in.

His HONOUR gave orders for the evil complained of to be remedied.

Sir W. HORNE.—I say, no secular judge would think it right to listen to a whisper, if he did not instantly proclaim what it was; and it would be strange if a witness who was reproved for such an act, should accuse the judge of cruelty, should pronounce him a very Jeffries, and should speak of him as having gone to his own place at last. (Laughter.) Mr. Anderson added—

"That Mr. Bromley had abused the courtesy of the Meeting by stigmatising its proceedings as 'consummately cruel,' and he therefore moved, that Mr. Bromley should forthwith be required to withdraw, as business could not proceed whilst he was permitted to be present. To this Dr. Warren objected, urging that as his friend had been admitted by the express consent of the Meeting, and every requirement which it was thought proper to make had beea complied with—viz.: that he should neither take written notes, nor speak, nor whisper, nor even sit in the neighbourhood of his friend whilst on his trial, it was unreasonable and cruel to exclude the only witness whose presence he had requested. The Secretary of the Conference, Mr. Newton, at first seemed averse to Mr. Anderson's motion; but upon Mr. Grindrod's strenuously seconding and enforcing it, he gave his concurrence. At this moment Dr. Warren, with firmness of speech and manner, spoke the following words:—'If my only witness, Mr. Bromley, be not permitted to be present during my trial, after all the unreasonable concessions which have been made, *I do here solemnly delare that I will not stand my trial before this Meeting*—COME WHAT WILL!' Notwithstanding this declaration, the motion was put, and carried."

Then the Doctor withdrew. But did he withdraw with a protest? Did he complain that the tribunal was improperly convened? No! soon after, he wrote to Mr. Taylor, the distinguished individual whom he had compared to Judge Jeffries, with other terms added to it. And how did he address him? What now became of the language used in reference to Mr. Newton, his hypocrisy, and so on, in writing to Dr. Warren, "Dear Doctor," and then summoning him to the tribunal? Dr. Warren addresses Mr. Taylor—

"DEAR SIR,—After mature deliberation, under existing circumstances, I have come to this final conclusion: that I do not think it my duty to attend any future session of the Special District Meeting called on my case. When you shall have come to your ultimate resolution, be pleased to send it to me in writing to my house. I am, dear Sir, your's most respectfully."

In this there was no objection to the court; he knew that it would go on, that it would decide on his case; he respected the tribunal; he treated the judge as he ought to be treated; he admitted all to be legally constituted; and he regarded the decision as an "ultimatum." The court having been put in possession of the meek and Christian spirit which breathed throughout this gentleman's pamphlet, and so distinguished his disinterested opposition to the wishes of 399 out of the 400 members of the Conference, (No, no,) he would now read a resolution which was subsequently passed at a meeting where the learned Doctor himself presided. What did his Honour think was the resolution? Why, the reverend gentleman, who now came before the Court complaining of the harsh treatment which he had met with from the defendants, had thought proper to give his sanction and approbation to a resolution, which was to this effect:—

"So deeply are we impressed with the awful risk of indecision in the present struggle, that after long and anxious deliberation, we are constrained to come to the conclusion, as a circuit, to withhold from this time, all supplies whatever, of money, except those of the weekly contributions of class-money. and the quarterly contributions at the renewal of the tickets, until the present important question, between the people and the Conference, be adjusted."

This short sentence at once unmasked the whole nature and object of the present struggle; and he now most unhesitatingly said, that however respectable Dr. Warren individually might be, and however sincere his opposition to the plans of the whole Conference, he had not come to the court on his own funds; he was personally a mere cipher, a nonentity, a man of straw, technically speaking, the honest and undisguised question being, "Dr. Warren and the people against the Conference." That was the "important question;" and the Doctor's plan to accomplish it was to "stop the supplies." Liberty from the dominion of these tyrannical oppressors was said to be the aim of Dr. Warren, and though this must be admitted to savour very strongly of liberty, the Court would decide whether it was that gospel liberty which their pious founder inculcated, and for which he so jealously contended. Let the Court pause for a moment and look at the direful consequences of the attempt, should it unfortunately succeed. Much had been said of the awful effects which would result from the arbitrary proceedings of the District-Court; but the consequence of stopping the supplies must inevitably be that the superannuated ministers, the widows of ministers, who, after lives of great usefulness and benevolence, were now reposing in peaceful silence in the tomb, —and the helpless orphan, would have their only means of support torn from them, and must, in truth, be reduced to the painful alternative of bread and water, or starvation. He thought it necessary to go thus far into this part of the case, for the double purpose of showing from the publications what the real nature of the question was, and the necessity of looking into that part of the conduct of Dr. Warren which had been so carefully suppressed by his learned friends. This was in his (Sir W. Horne's) opinion, quite sufficient to show the *animus* with which the party of the plaintiff had been influenced on the present occasion. It was more than probable that had an individual, placed in the situation of Dr. Warren, calculated on the consequences that might possibly result from the line of conduct that he had adopted, to the whole body of the community to which he belonged, his Honour would never have heard of the dispute between these parties; but he (Sir W. Horne) feared that the Doctor's zeal had got the better of his prudence, and had led him to adopt a course which on calm and sober

reflection it was not to be supposed he would have thought of pursuing. And now, when there was no question as to temporal maintenance—finding that it was a purely ecclesiastical question, would this temporal Court, upon such a record, and upon facts full of doubts, mix itself up with the spiritual concerns of this great Connexion, and set a precedent the effect of which would be to destroy for ever the peace and union of a society hitherto unbroken and uncontaminated by litigation? The only possible benefit that could accrue to Dr. Warren from his success in the present instance, was the liberty to preach alternately in the two chapels in question for the space of some three or four months—and this was to be put in opposition to the probable evil that a discussion of this question might bring on hundreds of thousands of individuals of the persuasion to which the reverend gentleman belonged. He entreated the Court to pause before it attempted to interfere with the ecclesiastical jurisdiction of this body. But he would now descend from the consideration of the question as a spiritual one, and call his Honour's attention to the legal jurisdiction of the District-Courts; to one of which the plaintiff had been summoned, and by which the sentence was passed from which he now appealed. The general constitution of the body, as well as the history of its Founder, were well known to his Honour. During his lifetime, Mr. John Wesley, whose death took place in—he could not state precisely in what year:—

A GENTLEMAN.—Forty-four years ago, this very day.

Sir W. HORNE.—By a remarkable coincidence, the present was the anniversary of Mr. Wesley's death. While he lived, he exercised almost a supreme power; indeed, one of his learned friends had called him the Pope of Methodism; and although he (Sir W. Horne) would not admit the truth of the appellation when applied to his temporal policy, he was ready to admit that his scrupulous jealousy in spiritual matters was such as to justify the qualified application of such a term. That absolute dominion in spiritual affairs induced the whole Connexion to yield to his decision on all matters of discipline and doctrine without complaint; but upon his removal, as the Conference could not remain sitting all the year, it then became necessary to create a judicature which should do that which Mr. Wesley did in the intervals between the Conferences in regulating and enforcing discipline in the whole Connexion. Accordingly, at the first Conference after Mr. Wesley's death, this question was put, "What shall be done to preserve our *whole* economy as Mr. Wesley left it?" And the answer given is, "Let the whole Connexion be divided into Districts." It was evident that the Conference was here providing for the same maintenance of the entire economy of Methodism during the year, as Mr. Wesley's general superintendence had effected; and it was equally evident that the Conference sought to accomplish this object by means of Districts. England was then divided into 19 Districts, Ireland into 6, and Scotland into 2; and each was subjected to a control which was set forth in the minutes of Conference which took place in 1791. That was previous to the general plan of pacification, which was intended to settle certain differences; and he now contended, that from that period downwards, the Minutes which had passed were still in force, and constituted the Statute-book of Methodism,—that the minutes of 1791 had never been repealed by any subsequent law,—and that under those minutes the Court had been legally constituted, which passed the sentence of suspension upon Dr. Warren. The article of 1791, to which he referred, was to the following effect:—

"The Assistant of a Circuit shall have authority to summon the preachers of his district who are in full connexion, on any critical case, which, according to the best of his judgment, merits such an interference. [Sir C. WETHERELL—Just so: but Dr. Warren was the Assistant in this case, and he did not summon the Preachers.] And the said Preachers, or as many of them as can attend, shall assemble at the place and time appointed by the assistant aforesaid, and shall form a committee for the purpose of determining concerning the business on which they are called. They shall choose a chairman for the occasion: and their decision shall be final till the meeting of the next Conference, when the chairman of the committee shall lay the Minutes of their proceedings before the Conference. Provided, nevertheless, that nothing shall be done by any committee contrary to the resolutions of the Conference."

This law was unnecessary during Mr. Wesley's lifetime; but upon the division of the country into Districts, it became necessary that a jurisdiction should be created in each District, until the Conference should assemble, and that then the decision of the District Committee should be either affirmed or annulled. He admitted that nothing could be done by the District Committee in contravention of any article of Conference, but he boldly asserted that no article of Conference or subsequent law could be found to clash with this minute. The assistant was to summon the preachers, the preachers were to form the committee, choosing a chairman from among themselves; and their decision was to be final until the next Conference. And such a course appeared inevitable from the very constitution of Methodism, for the Conference could not be always sitting, or the duties of the principal members of the Connexion, who composed it, must be neglected. The Conference, therefore, not being sitting when Dr. Warren's case arose, the District Committee proceeded very properly to take cognizance of the case; and in this way the Local Court was constituted, at which the proceedings against the plaintiff took place. This formed a key to all the subsequent proceedings. It would not be contended that during the lifetime of John Wesley, he did not possess power to suspend and silence country preachers; and upon his death, as that power must reside somewhere, it was given to the District Committee. Then let the Court look at what took place in 1792: the principle was followed up by a declaration that the chairman himself should be deposed by the same Committee if he should

be guilty of any crime. The article (after laying down some regulations for the management of Districts, and the trial of preachers,) was as follows:—

"If it appear on just grounds to any superintendent, that the chairman of his district has been guilty of any crime or misdemeanour, or that he has neglected to call a meeting of the District Committee, when there were sufficient reasons for calling it, such superintendent shall have authority, in that case, to call a meeting of the District Committee, and to fix the time and place of meeting. The Committee thus assembled shall have power, if they judge it necessary, to try the chairman, and, if found guilty, to suspend him from being a travelling preacher till the ensuing Conference, or to remove him from the office of superintendent, or to depose him from the chair, and to elect another in his place."

Now, if his learned friends admitted the power to reside in the District Committee in the latter instance, they were compelled to admit the possession of it in the former: for it was a curious sort of logic to say that the District Committee should have power to suspend the Chairman of the District, and not the subordinate or lesser office of a Preacher. These laws were certainly passed before the general Plan of Pacification, but they were not affected by it; for no one would pretend to say that by non-usage any statute of the realm became repealed. The learned gentleman then proceeded to comment on the *Articles of Pacification*. About the years 1794 or 1795, when the public mind was considerably agitated on subjects of religious reform, the lay members of the Wesleyan Methodists entertained an idea that they were not properly represented, or, to speak more correctly, that their interests were not sufficiently attended to by the clergy of their persuasion; and they, therefore, requested to be allowed to have a voice on the subjects brought under the consideration of the various District Meetings. The Articles of Pacification of 1795 admitted the lay members, viz. the stewards, the trustees, and the leaders, to a participation in the adjudication of such questions as were brought under the consideration of the District Committee; but those articles did not destroy or do away with the existence of the District Committee for the cognizance and adjustment of all such matters as had been theretofore brought under its consideration. So far from this being the case, the Conference, or supreme governing body of this Society, had, in a great variety of instances, confirmed the decisions of the District Committees, and suspended those individuals whom the District Committees had thought unworthy of longer fulfilling the office of pastor of their persuasion. He then referred to the Minutes of Conference of 1797, subsequent to the Plan of Pacification which were circulated through the connexion in the form of pastoral letters, and contended that the intention of the Founder and the whole body of Methodists had always been to consider the Minutes of Conference as the statute law by which all temporal and spiritual matters were to be governed, and that by such law the District Committee had been properly erected into a tribunal, by which Dr. Warren had been legally suspended, and that the law by which the District Committee had been instituted remained unaffected to the present hour by any succeeding statutes or decisions of Conference. He would allude to one more important feature in the case. It was stated on the other side that this was the first instance of such an exercise of power by the District Committee, except for offences against morality. (No, no.) But it could be shown, on the contrary, that, in no less than from *seventy* to *eighty* instances, specified in the affidavits of those persons who had given testimony in favour of the defendants, the Conference had, in every single instance, either moderated or approved of the sentence which had been pronounced by the District Committee. It therefore could not be argued successfully that the Articles of Pacification of 1795, although they created a new tribunal for the trial of certain offences, did in effect do away with and abolish the previous regulations of the Society, authorising the District Committee to adjudicate and take cognizance of the various matters brought under their consideration. Then how was it to be contended that the meeting before which Dr. Warren was cited, was an illegal assembly? Was it not constituted according to the express provisions of the rules and regulations of the Society? Had he not submitted to it, in the first instance, without at all pleading to its being an incompetent jurisdiction? He had, in fact, submitted himself to its jurisdiction, and expressed his willingness to stand his trial: he was, in truth, actually on his trial, when the circumstance of Mr. Bromley being desired to withdraw from the room, caused him to make the extraordinary declaration, that, in consequence of his being left without any adviser or assistant, he should not submit himself to the jurisdiction of the tribunal, and should dispute their competency to adjudicate on any offence of which he was alleged to have been guilty. With respect to the question of jurisdiction, he (Sir William Horne) denied, with great deference, that the Court of Chancery had any jurisdiction to adjudicate on the question now brought before it. Was it to be said, that, after a practice of forty years, during which there had been upwards of seventy cases of suspension for similar errors and misconduct to that of which Dr. Warren had been guilty, that the Court of Chancery would take upon itself to overturn all that this respectable and numerous body of Dissenters had felt themselves authorised in doing, in instances where the Conference, the supreme power, had invariably approved of what the District Meetings had performed. Was the Court now to be told, on the evidence of an old gentleman of the name of Moore,

that such was not the meaning of the constitution?—or, after all this acquiescence in, and acting upon, the decisions of the District Committee, could that Court be called upon to interfere? Had that Committee tried and acquitted Dr. Warren, and had the Trustees then proceeded to try him according to the Articles of Pacification, would it not have been justly said the case had been decided by the proper tribunal, and the Trustees had no right to interfere? Was his Honour a Methodist Judge? A court of competent jurisdiction had given a decision; or, if it had not jurisdiction, then that complaint was ground of appeal to the Conference. He could not help characterising the whole proceeding as a wanton, dangerous, and unnecessary experiment, calculated to subvert the peace, harmony, and benevolent feeling of this communion of Christians, having for its object to gratify the personal views of a single individual who could derive no substantial benefit from it, and ultimately tending to destroy the happiness and prosperity of a vast body of Christians. In conclusion, he trusted that his Honour would pause before he took on himself to do away with all those decisions to which a religious body so constituted as the Conference of the Wesleyan Methodists had come, and with which decision he humbly, though respectfully, submitted the Court of Chancery had not the jurisdiction to interfere. —The address of Sir W. Horne occupied four hours and a half. He frequently recapitulated his arguments for the sake of perspicuity, which recapitulation we have omitted.

Mr. Rolfe followed on the same side, and after premising that he concurred with Mr. Knight that this Court was not to refuse to exercise its jurisdiction because the subject-matter of the motion was of a religious nature; said, he did not mean to say there was no jurisdiction in this case, although it was one very difficult to exercise from the peculiar nature of the subject, so foreign from the usual business of this Court. He then entered into a history of the various circumstances connected with Dr. Warren's appointment to the first Manchester Circuit—the precise nature of the trusts of the chapels in question; together with Dr. Warren's opinion of the plans which some of his brethren, the preachers, had proposed and adopted at their annual Conference; his opposition to those plans; the various pamphlets published by him in consequence; together with all the circumstances which had led to his trial and his present suspension. All these particulars having been fully stated in the preceding speeches, we do not think it necessary to repeat them here. Mr. Rolfe said that he merely adverted to what took place prior to the trial for the purpose of making the remark that the preachers were driven to the course which they had pursued, entirely in consequence of what they justly conceived to be the injurious tendency of Dr. Warren's publications and conduct. The principal affidavits stated that "immediately on the appearance of his pamphlet, and before any steps were taken towards his trial, Mr. Newton (the chairman of the district), and two others of the senior preachers, at the desire of several of their brethren, waited upon him to state to him their deep conviction of the immense amount of evil which his publication was likely to produce, and to request that he would, if possible, suppress its further circulation. To all their entreaties and expostulations on this subject his answer was, 'I have not published that pamphlet without deep thought, and I can enter into no engagement to suppress it.' When the Chairman, in reply to this declaration, said, 'Then, Doctor, you will compel us to proceedings which will be very painful to us,' he answered, 'I have not studied Methodism so long as not to know all the bearings of what I have done; and I am fully aware that you must proceed in the usual way.' He was requested not to be hasty in concluding on a matter so important to himself and to the Connexion at large, and it was determined that the interval from Saturday night to Monday morning should be allowed, before his final answer should be given. Accordingly, the Chairman, previous to his going a journey, called a second time on Dr. Warren; but at this second interview he avowed his resolution still more strongly than before, and repeated that 'of course his brethren must proceed in his case in the usual way.' Similar requests were afterwards presented, but with no better success." Being convinced, from the whole of his conduct, that his only object was to rouse and agitate the whole Connexion, and admonition and entreaty having entirely failed, they found themselves under the painful necessity of resorting to the steps they had taken of convening a meeting of the preachers of the District.—Mr. Rolfe then repeated the various incidents that occurred at the meeting so convened, as have been already stated; and expressed his firm conviction that the decision was the only one at which that tribunal could arrive, under all the circumstances of the case. He contended, too, that Dr. Warren had fully admitted the jurisdiction of the Court; that he had heard the various charges read to him, and that those charges were under consideration at the time when the interference of the meeting, as to what they deemed the improper conduct of Mr. Bromley, put a stop to, or, at least, interrupted them.

Mr. Knight wished to know if Dr. Warren was aware of the precise object of the District Meeting; that was, whether, when the charges were presented to him, it was also intimated to him what that Committee meant to do, supposing they thought him to blame? Was there, in short, any thing which could lead the Doctor to suppose that they meant to suspend him?

Mr. Rolfe said that it appeared plainly from the details of what occurred concerning the District Meeting, that Dr. Warren was aware of the power it claimed, and that he, in fact, submitted to the jurisdiction from which he had no subsequent pretence to withdraw, in consequence of Mr. Bromley's being compelled, however discourteously, to retire from the trial. The sentence, too, it was contended, was the only one which could have been made under the circumstances. He must have been aware of his brethren's intention, for the day before the Meeting he had said that he supposed the result would be that he should be suspended. Dr. Warren, who had studied Methodist Law so closely all his life, could not but know that he must be so dealt with.

Sir W. Horne.—Dr. Warren was a member of the Conference, and had sat as a judge in similar matters.

Mr. Rolfe.—The affidavits state expressly that the Doctor was very earnestly expostulated with by the President and other members of the Meeting, and various questions were put to him for the purpose of ascertaining on what grounds he would pretend to justify his withdrawal from the Meeting; but to all such questions he either gave no answer at all, or answers that were plainly evasive. The refusal of Dr. Warren, under these circumstances, to attend any longer at that Meeting, though given in the most solemn and earnest manner, was not immediately accepted: but two hours were, by mutual agreement, allowed him to re-consider his determination. On the expiration of that time, he addressed to the President a note, which had been read in Court, and in which he requested the *ultimatum* of the Meeting to be sent to his house. Nor was that all. The affidavit further stated that the day after the receipt of this note, it being still presumed that, on further consideration, Dr. Warren might have seen it proper to alter the determination avowed on the preceding day, a deputation consisting of Messrs. Newton, M'Kittrick, Hanwell, and Crowther, was sent to enquire whether any such alteration had actually taken place. His answer to this enquiry was,—"I abide by the note which I sent yesterday, to all intents and purposes." He added also the following words:—"I believe that what my brethren do in this case, they will do in the fear of my God, and I shall submit myself to their decision. And if the *ultimatum* of the Conference should be that I must retire from the work of an Itinerant Preacher, I shall still crave the privilege of being allowed to continue as a private member." That determination on the subject of his trial left the Meeting no choice, and the Resolutions were unanimously adopted, which had been already stated to the Court by the Learned Counsel on both sides.

His Honour observed that Dr. Warren in his own account stated that whatever might be the decision, whether of the District Meeting *or of the Conference*.

Mr. Rolfe.—A party admitting that there was *any* jurisdiction to try him, must surely admit that such jurisdiction had power to make an interim order of suspension.

Sir W. Horne.—Else the court and the rules would be a dead letter.

Mr. Rolfe.—Mr. Fildes stated in his affidavit, that Dr. Warren must have been aware that his brethren would suspend him, if they thought him guilty. Two days before the trial he said that he had the most perfect confidence in the wisdom and integrity of his brethren; he knew that they would all discharge their duty in the fear of God; he should bow most cheerfully to their decision, and if their sentence were one of suspension and it were confirmed by Conference, he should submit, and remain in the connexion as a private member. It would only be trifling with the time of the court, to pretend that Dr. Warren had any doubt in his mind as to what would be the decison of his brethren. Some of the preachers, members of the District Meeting, had deposed that there was no objection to Mr. Bromley's being present at the meeting, and stating any fact that would be of use to Dr. Warren. When the Doctor had appeared before them, allowed his trial to go on, then withdrew, and refused to meet them again, they had no alternative but to proceed against him as in a state of contumacy. Therefore they passed the resolutions which had been read by the preceding Counsel; and as matters would otherwise have been thrown into confusion, Mr. Newton was directed to supply the Doctor's place. The sentence passed by the District Meeting, was, no doubt, intended to operate as a punishment, or to prevent, or as preparatory to further proceedings. All that had taken place in October last, when three months of Dr. Warren's appointment had passed; and what had been the Doctor's course since, had been clearly stated to the Court. For four months he had not preached in the chapels in question, and the thing now to consider was, whether he should remain in his present condition for four months longer, till Conference should meet. It could not be of much importance to the public whether there were nineteen or twenty preachers in the District, and in the mean time, Mr. Newton was performing the duties of the Circuit from which Dr. Warren was removed. Whether that gentleman was equal in talent to Dr. Warren, it was not for him to say. (A murmur of approbation from Mr. Newton's friends.)

His Honour.—It may be of very great importance to Dr. Warren, even though the public may not have any deep interest in the question.

Sir C. WETHERELL.—Mr. Rolfe says it is only a question about four months. And then he is to be eternally disgraced!

Mr. ROLFE.—Eternally disgraced! What, if the Conference reversed the decree of the District Committee, would the Doctor be eternally disgraced? Should the Conference decide that he had done nothing wrong, and that the District had not acted right, Dr. Warren would not have to complain of what had taken place, and the odium would turn on the unjust tribunal. The learned Counsel then referred to the various meetings which had taken place, at several of which Dr. Warren had presided, and in which resolutions were passed of a kind the most hostile to the present constitution of Wesleyan Methodism. At one of those meetings held in Manchester, November 6, 1834, an address was adopted, complaining, almost throughout, of the course pursued by the Conference and the preachers, in which was contained the following words:—

"So deeply are we impressed with the awful risk of *indecision* in the present struggle, that after long and anxious deliberation, we are constrained to come to the conclusion, as a Circuit, to withhold, from this time, *all supplies whatever of money*, except those of the *Weekly contributions* of Class-money, and the *Quarterly contributions* at the renewal of the Tickets, until the present important Question between THE PEOPLE and THE CONFERENCE be adjusted."

The mention of stopping the supplies had excited a smile in the Court, but it was in truth a most serious and important thing to all the Methodists. His Honour must be informed that the supplies which it was proposed to stop amounted to £60,000 a year, which was distributed in small sums of £10 or £20 to the widows and children of the ministers. Now, if by the suspension of Dr. Warren that deep injury could be averted, and he be prevented from accomplishing so mischievous a design, the District Committee were not greatly to blame in suspending him, and his Honour would not hastily interfere to reinstate him. Other meetings had been held, in which resolutions were passed, requiring Lay representation, open Conferences, the abandonment of the New Theological Institution, &c.; and the conclusion was the following determination:—

"We agree that, until the Conference grant these our reasonable requests, we will withhold our contributions from the Missionary, Contingent, Chapel, and all Funds whatsoever which are under its control, and confine ourselves to the maintenance of the preachers in our own circuits."

To carry those designs into effect, a union calling itself "The Grand Central Association" had been formed, in reference to which it was resolved—

"That a fund be created to defray the necessary expenses of postage, preaching, deputations, &c., in communicating with the Branch Associations, to be formed upon similar principles in different parts of the kingdom, and to support such preachers as may, in consequence of advocating our views, be deprived of their usual means of subsistence."

What was likely to be the result of such proceedings it was not difficult to say; and surely the preachers of the Manchester District could not be blamed for aiming to check the dreadful evil in its commencement. In all those movements Dr. Warren had taken a very active part, and for such conduct it was necessary he should not be allowed the prayer of his present petition. The question now to be decided was, whether Dr. Warren had ceased to be one of the preachers of this chapel, appointed by the Conference. The learned Counsel meant to dispute the two propositions which had been laid down on the other side. Either that tribunal which suspended Dr. Warren was not conformable to the regulations of the Conference, or its proceedings were invalid if it was not conformable. He then cited the various minutes of Conference already given, and contended that they must be interpreted with very great latitude, and that the present case came within the provisions of the first two minutes. That the mixed tribunal which was created by the Articles of Pacification as a boon to the laity, did not take away the authority of the District Committee, inasmuch as the former had jurisdiction only in four particular cases of offence, whereas the authority of the latter extended to every species of impropriety.

Mr. KNIGHT asked if it was allowed that Dr. Warren was an *assistant*, in the sense in which it seemed to be understood in the Minutes.

Mr. ROLFE.—Certainly: what is now called a superintendant.

Mr. KNIGHT.—A term which Mr. Wesley would not have allowed.

His HONOUR, who during the whole enquiry, had all the Minutes and other documents before him, carefully referring to them as Counsel, proceeded, here remarked,—But in the year 1784, when Mr. Wesley sent preachers to America, he says—"I have appointed Dr. Coke and Mr. Francis Asbury to be joint *superintendants* over our brethren in North America." (Laughter)

Mr. KNIGHT.—O, does he, Sir? Ah, America was a great distance from him, and therefore he did not fear appointing them there! (Laughter repeated.)

Mr. ROLFE then proceeded to argue upon the construction of the various rules of 1791, 1792, and 1793, nearly in the course which had been pursued by Sir W. Horne. In the course of his remarks upon them,

Mr. KNIGHT said, that up to the last-mentioned date there had been no infusion of the *laity* into the constitution.

Sir W. Horne rejoined, that up to that time also, there had been no appeal to the Court of Chancery for its interference. (Laughter.)

Mr. Rolfe.—It was perhaps owing to the state of political opinions at that period, that a question arose as to the propriety of granting a greater portion of power to the laity of the Wesleyan Community. Mr. Wesley did not approve of the term Dissenter; and he is reported to have said to one of the preachers on a certain occasion, "If you do not take care, a portion of your flock will become Independents, and others may join other denominations." After his death, however, the body assumed more or less the appearance of Dissenters. Amongst other questions the administration of the sacraments of the Lord's Supper and Baptism was discussed. It was not necessary to dwell upon the details; but in consequence of the disputes, letters were addressed to the people from the Conference in 1793, in order, as far as possible, to allay the irritation.* From those letters the learned Counsel read some extracts, together with the rules and regulations which were adopted in consequence. Further regulations were made in 1794, which the preceding Counsel had brought before his Honour. In 1795 the disputes rose to a greater height, and included not only the subject of the administration of the sacraments, but also general questions between the laity and the clergy; the laity complaining that the clergy were taking too much upon themselves. That was the first time that the disputes could properly be said to be between the preachers and the people. Hence arose the *Articles of Pacification*, the first ten of which alluded entirely to the matter of the Lord's Supper. The second class of articles concerned *discipline*, Some of his learned friends had supposed those articles to have the effect of superseding all former laws in reference to tribunals; yet that had never been insinuated, even by Dr. Warren himself, up to the time of his trial. Mr. Rolfe here read the *second* article, and contended at some length that though it gave new powers to the trustees, leaders, and stewards, it was not designed to alter, much less to destroy the previous powers of the District Committees. All that the new, the mixed tribunal could do was to summon the preachers together, and to say to a preacher who might be thought to have acted improperly, "You shall not preach in our Circuit;"—but the District Committee, the clerical body, could go further, and suspend the preacher till the ensuing Conference. The *fifth* clause had been considered by some of his learned friends as the Magna Charta of the preachers as to trials and suspensions:—

"No Preacher shall be suspended or removed from his Circuit by any District-Committee, except he have the privilege of the trial before mentioned."

He admitted that the language was somewhat obscure; but it must evidently be applied to the *four special cases* which had been expressly mentioned in the *second* article. Up to 1794, the preacher had only the privilege of trial by the preachers, &c. in his own Circuit; now, he was to have the full privilege of trial by all the preachers of the District, as well as by the trustees, stewards, and leaders of the Circuit. If he (Mr. Rolfe) had to be tried as a preacher in the first Manchester Circuit, he should not feel quite satisfied to be tried according to the rule of 1794; there might be personal prejudice: he would avail himself of the "privilege" of the second article of 1795, the privilege referred to in article 5. In 1797, there were disputes between the clergy and laity as to the management of temporal matters, and further regulations were made with respect to Districts and other matters. Those were the celebrated Leeds *Regulations*, which had been already referred to. In the address of the Conference held that year it was said:—

"In short, Brethren, out of our great love for peace and union, and our great desire to satisfy your minds, we have given up to you far the greatest part of the Superintendent's authority: and, if we consider that the Quarterly Meetings are the sources from whence all temporal Regulations, during the intervals of the Conference, must now originally spring; and also, that the Committee, formed according to the Plan of Pacification, can, in every instance, in which the Trustees, Leaders, and Stewards, choose to interfere respecting the gifts, doctrines, or moral character of Preachers, supersede, *in a great measure*, the regular District-Committees; we may, taking all these things into our view, truly say, that such have been the sacrifices we have made, that our District-Committees themselves have *hardly any authority remaining*, but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draught of the stations of the Preachers."

"*In a great measure*" the authority of the District Meetings was interfered with: but if the argument of his learned friends was worth any thing, the Articles of Pacification had superseded them altogether. The fact was that the language employed in the address of the Conference, as well as the regulations made in that year, applied *only to temporal matters*. In addition to what was just stated, it was added:—

"And besides all this, we have given the Quarterly Meetings opportunity of *considering every new Law*, of suspending the execution of it for a year in their respective Circuits, and of sending their sentiments upon it to the Conference, before it be finally confirmed."

That language he regarded as conclusive that there was not the least suspicion on the part of those who framed the regulation that the former rules were superseded. In the

* Minutes, vol. i. pp. 278—282.

same year it is said, "In order to render our districts more effective, the President of the Conference shall have power to assist at any District Meeting, if applied to for that purpose, by the Chairman of the District, or by a majority of the Superintendents in such District. And he shall have a right, if written to by any who are concerned, to visit any Circuit, and to inquire into their affairs with respect to Methodism, and, in union with the District Committee, to redress any grievance." According to that regulation, Mr. Robert Newton, in conducting the delicate business at Manchester, had applied to Mr. Taylor, the President of the Conference. It was natural that he should be the Chairman. He was likely to be impartial, and it was a compliment paid to the accused to invite him. Mr. Rolfe trusted that he had now satisfied his Honour that nothing had been done in the Manchester District Meeting which at all infringed upon any existing regulations of the body. He had farther to observe that the Committee had only done in this case what had been done in at least one hundred cases before. Seventy such cases had been sworn to since the preceding Friday. From motives of delicacy they had not put forth the names of the individuals, though that could be done if it were thought necessary.

His Honour.—I presume there will be no objection to show Dr. Warren the names for his own satisfaction, should he require it.

Mr. Rolfe.—Certainly not.

Dr. Warren had stated that, though he had been in Conference for so many years he had known of but nine or ten cases, but they had found at least fifty cases which had occurred during the period to which Dr. Warren referred.

Sir C. Wetherell said that it might not be decorous in such an assembly, and before so many ladies, to state the cases. If therefore his learned friend wished to do that, he had better take another opportunity.

Mr. Rolfe said, that he understood well the meaning of that remark, and he would say *communis error facit jus*. But they were not all cases of gross immorality. If, however, such cases were met *de anno in annum*, if they were constantly brought up from the District Meetings to the Conference, and there confirmed, how could any man suppose that such cases did not exist, or how could the authority of the court which treated them be denied?

Mr. Knight contended that the cases ought to be produced, if not the names of the parties.

His Honour inquired if the cases were not recorded.

Mr. Rolfe said, that they were regularly recorded. Mr. Moore himself admitted that such cases were frequently reported. He himself was suspended, not for immorality, certainly, but in consequence of his refusal to give up a house, the residence for one of the preachers, which Mr. Moore contended was left to him expressly by Mr. Wesley, and with which no one else had any right to interfere. At the same time, he distinctly admitted that such cases had repeatedly been reported to the Conference, and by the Conference confirmed. Owing to the peculiar mode of their being recorded there was some difficulty in ascertaining them, but they had met with seventy, and doubted not that there were many more. Mr. Percival Bunting made affidavit that he had made diligent search after cases of suspension, and that he had examined the minutes of a *Special District Meeting*, held in London in the case of the Rev. H. Moore. It was there decided that whatever might be the legal right of Mr. Moore to any house, it was his duty to use those rights in subservience to the will of his brethren in Conference;—that he ought not to oppose himself to their wishes, and occasion agitation in his Circuit—that as to his right to preach in the City-road Chapel, his brethren constituting that committee did not wish to interfere; but that he could have no legal or moral right to the house, that if he had he ought to yield, and that if he did not yield he would be suspended. The proceedings had been instituted at the instance of the Rev. John Stephens, who was appointed to the North London Circuit, and required the house, which was situated close to the City-road Chapel, for the residence of his family. At that meeting Dr. Warren was present. A report of the proceedings was taken to the *General District Meeting*, where the sentence of his suspension was confirmed till Conference. The Conference received the report, cordially approved of the decision, and confirmed the sentence of suspension. Mr. Percival Bunting made further affidavit that he had examined the *Journals of the Conference*, and had ascertained that since the year 1795, upwards of seventy preachers had been suspended by District Meetings, composed of preachers only. The parties would be named, but that many of them were still living, and labouring as respectable preachers in the Connexion. Mr. Moore had been present when some suspensions had been reported and confirmed, and had assented thereto. Here then, Mr. Rolfe said, was universal, repeated, uncontradicted *usage*, and repeated examples of perfect conformity to the laws laid down. If his Honour should think that what had been done was inconsistent with the Articles of Pacification, still the argument would be useless against such a collection of usages. The Wesleyan Conference had absolute power to make what laws it chose, even though there might be no record of its laws: though it would

be very inconvenient, still it would not be illegal. (Sir C. Wetherell, "Oh! oh!) The Court would surely not believe that for forty successive years the Conference had been acting illegally. He called upon his Honour to believe any thing rather than to admit that the authority of the District Meetings to try and to suspend a preacher, had not been established. Lord Coke, no mean authority, had said, that *upon long usage he would presume an Act of Parliament*. It was no common thing to presume charters—to presume by-laws in corporations—that was done every day. If the parties had long acted according to a certain law, it was taken for granted that such law had at some antecedent period been made. For his own part, he could find nothing in what had been done in the case before the Court, which was at all inconsistent with the existing laws and articles of the Society by whom it had been done; but even if there were no record of its laws, he would infer the existence of those laws from its established usages. In conclusion, he called upon his Honour to decide in a case, which though not very important to the individual who prayed the Court, was yet of vast importance to the spiritual concerns of upwards of nine hundred thousand persons, who were anxiously waiting the result of his Honour's Judgment. It being past five o'clock, the Court adjourned.

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Tuesday, March 3.

Mr. Piggott addressed the Court on behalf of the defendants. He said the course which had been adopted by Dr. Warren was equally unfortunate and ill advised, and not calculated to obtain any temporal benefit to himself, inasmuch as his salary would be paid to him until the decision of the next general conference should be known. His only object, therefore, was to get possession of these particular pulpits for the period of a few months, and to promote his general views of opposition and agitation, to the destruction of the harmony and peace of the whole of the Connexion. He contended that his Honour had no jurisdiction. The Conference was a supreme spiritual court, perfectly competent to decide its own acts, and it would be a sad thing if his Honour's decision should differ from that of the Conference. The learned counsel then proceeded to show that Mr. Wesley had contemplated legal proceedings in spiritual matters with horror, and related to the Court an anecdote of that rev. gentleman's visit to a dungeon, where he met with a poor wretch in a state of abject distress, brought on him by an unsuccessful suit at law, on which occasion he was said to have uttered these words:—"I have seen that monster a Chancery bill, and now, for the first time, I have beheld its fellow—a declaration." (Laughter.) He also instanced a case of legal dispute at Dewsbury, where Mr. Wesley was represented as having given expression to similar sentiments. It had been said elsewhere that the hair of an old Whig would stand on end, where he alive to view the proceedings of modern times; but he could not help thinking that could the pious and excellent founder of this institution have been alive to view the spirit and intention of this suit, his venerable and flowing locks would have threatened the ceiling with their bristled erection. (Laughter.) Mr. Wesley would doubtless be ready to address the plaintiff in language similar to that which he addressed to the trustees at Dewsbury. "Dear Doctor,—You think you are right. I think you are wrong. And if you choose to bring these matters into a court of law, there is an end of your connexion with your dear brother, John Wesley." As to all the epithets of mean, and base, and tyrannical, which had been so plentifully heaped upon the proceedings, he thought them altogether uncalled for. The District Meeting did all it could. The preachers waited upon the Doctor again and again before the charges were preferred. He must make one remark as to the language alleged to have been used by Mr. Newton to Dr. Warren, in reporting to him the general feeling as to the motives of Dr. Warren's opposition; it was used *in private* to Dr. Warren alone, and was fully justified by the previous intimacy of the parties. He was also *requested by Mr. Bunting* to mention that the words alleged to have been used by Dr. Bunting concerning Dr. Warren, in the Committee which met in July, before the last Conference, had been most unfairly, because imperfectly, represented. In remarking on Dr. Warren's hostility to the project of the Theological Institution, of which he had formerly been an advocate, Dr. B. said, "This is the most unprincipled opposition I ever knew;" he (Dr. B.) immediately, and of his own accord, adding, by way of qualification, "I speak advisedly; I do not mean bad principled, but without principle,—without any fixed principle,—not based upon any public principle." Nor was it true that there existed any personal quarrel or hostility to Dr. Warren on the part of Dr. Bunting. It was a wholesome regulation of the Conference that the name of every preacher should be distinctly called over, and a pause allowed in order that any charge might be preferred if there was just cause for so doing. An opportunity was thus afforded also for every preacher to rise and vindicate his character from all reproach. Dr. Warren was present when the name of Mr. Bunting was called over; but it did not appear that he complained as to the calumnious report on which he now seemed to lay such stress. The *first* point for his Honour to consider was, whether Dr. Warren had been suspended by a Court having a proper juris-

diction in the case; if his Honour thought that the jurisdiction was improper, then he would suggest, *secondly*, that the conduct of Dr. Warren, since that period, had been such as was calculated to subvert all the rules of Methodism, and to injure its prosperity; and, *thirdly*, he would inquire whether the District Meeting had not power to appoint another Minister, and whether their appointment of Mr. Newton was not strictly legal. He then proceeded to argue the proper jurisdiction of the District Meeting by a reference to the Deeds of the Chapels, and especially the *Deed of Declaration* made in 1784, which rendered the acts and deeds of the Conference valid; and the *second* article of which declared that

"The act of the majority in number of the Conference assembled as aforesaid shall be had, taken, and be the act of the whole Conference; to all intents, purposes, and constructions whatsoever."

In the last Conference, considering it as only legally composed of one hundred preachers, Dr. Warren was the only dissentient. Mr. Piggott proceeded to an examination of the various minutes, seriatim, for the purpose of ascertaining the precise rules by which District Meetings were to be formed, and by which they were to be regulated. As his references were precisely the same as those of the preceding Counsel, we shall not repeat them. The inference he wished to draw from his examination of them was, that the District Meeting, held at Manchester, was strictly legal, and that they had by no means exceeded their just powers in any of the proceedings they had instituted as to Dr. Warren. He referred to the case of the Dewsbury Chapel, in reference to which the Trustees claimed full power to remove a preacher. Mr. Wesley wrote to them to the following effect:—

"The question is, by whom shall the preacher be judged? You say, by the trustees; I say, by his peers. You say, give it up to us; I say, you give it up to me. If you will not, you must renounce your connexion with your dear brother, John Wesley."

Mr. Piggott adverted also to the disputes which had arisen in the connexion at various periods. Those at Bristol in 1794-5. But those disputes were not between the preachers and the people, but between a minority of the trustees with a majority of the people, on the one hand, and a majority of the trustees with a minority of the people, on the other; the Conference acted as umpire. He proceeded to read copious extracts from the pastoral letters issued by the Conference on the subject, from the Minutes of 1795. Some affidavits were then read for the purpose of shewing the construction to be put on the Articles of Pacification. J. Roberts and E. Tucker, of Bristol, two of the surviving deputies to the Conference of that memorable year, deposed that, to the best of their belief, those articles related *solely* to the disputes respecting the administration of the sacraments, for the settlement of which disputes they were intended. The Rev. James Wood, who had been a preacher for 53 years, R. Treffry, 42 years, and R. Smith, 42 years, well remembered the disputes of 1794 and 1795, relating to the administration of the sacraments, and deposed that the articles in question were intended to produce peace in the Society on those points. J. Edmonson, R. Reece, G. Morley, G. Marsden, J. Gaulter, and J. Entwisle; all of whom had travelled many years, and filled the office of President of Conference, deposed to the same effect, and declared that there was no intention by the 5th article "concerning discipline" to alter the established and acted-upon jurisdiction of the district committee to suspend a preacher within their own particular district. They also strongly expressed their unanimous opinion that the construction put upon that article by Dr. Warren, as appeared from his pamphlet, was entirely at variance with the real and manifest intention of those who passed those articles. Mr. Piggott then proceeded to advert to the divisions of 1796-7. At that period disputes ran high between the preachers and the people. Alexander Kilham who stood up for an enlargement of the people's liberties, and an effective lay representation in the Conference, was expelled, and upwards of five thousand persons seceded from the Society. At the Leeds Conference in 1797, the various rules were collected together and carefully revised, and signed by Dr. Coke, and one hundred and forty of the preachers. That code had been frequently reprinted, and was called the Larger Minutes. It included the Articles of Pacification. In 1829, a question was put at the Conference as to the general discipline and government of the Connexion, to which the following answer was recorded:—

"Certain novel interpretations of the laws and usages of the body having been recently circulated in different publications, obviously tending to produce faction, and calculated to disturb the peace of our Societies, the Conference, whilst it thankfully acknowledges the almost total failure of these attempts, and the settled and peaceful state of the Connexion at large, and of the great majority of the people, even in those few circuits where such efforts have been chiefly made, unanimously resolves and declares,—That it will continue to maintain and uphold the Articles of Pacification adopted in the year 1795, and the regulations which are arranged under various heads in the Address of the Conference, dated Leeds, August 7, 1797, with the 'Miscellaneous Regulations' which follow them, as hitherto acted upon in the general practice of the body, and explained and confirmed by the decisions of the Conference, recorded in its Minutes of last year, on the dissensions at Leeds:—rules which, *taken together*, equally secure the privileges of our people, and the due exercise of the pastoral duties of ministers: and which the Conference regards as forming the only basis of our fellowship as a distinct Religious Society, and the only ground on which our communion with each other can be continued.'

Having adduced these various minutes, and commented on the object and tendency of

every one that had reference to the present case, he concluded that portion of his argument by submitting that the true construction of them was to shew one uniform intention to support the original determination of the whole body on the division into districts, that the district committee should possess the power to suspend a preacher for causes assigned, until the next Conference should take place. It was of great importance, he said, that such a power should be vested in the hands of a competent committee, to check any errors in doctrine or immoralities in practice, which might spring up during the intervals between one Conference and another. Suppose, for instance, a preacher to have imbibed Unitarian sentiments; he might introduce them insidiously, by slow degrees, till, in the course of twelve months, or in a less time, they might take deep and lasting root. How important that there should be an authority of sufficient weight to check so dangerous an evil. And was it not desirable that the preachers, especially the seniors of the District, should have that power, and be able to cite the erring brother before them? It might not be safe to leave it to the Trustees, or Stewards, because if the preacher were a man of talent or influence, they might be the first whom he would lead astray. His Honour would readily imagine other cases. He next proceeded to examine the *usages* of the Society, to prove that the special District Meetings had exercised the authority which he had attributed to them, and that their decisions had been duly recognised by the Conference. He believed that from the year 1795 to the present time, not a single dispute had arisen on those articles. The present was indeed the first, and the only instance in which there had been a refusal to submit to the acknowledged and exercised authority of the District Committee on occasions like that in which the Court was now called to interfere. A special District Meeting was held in May last, at which Dr. Warren was present, and when a preacher was tried for an offence otherwise than mentioned in the Articles of Pacification. The case of the Rev. J. R. Stephens was examined at that meeting, and and he was suspended. Dr. Warren, be it observed, was a party to the proceedings. In 1797, a case of suspension had occurred; and at that critical period the preachers would hardly have run the risk of setting the Connexion in flames by acting according to any old or abrogated law immediately after the Articles of Pacification had been published. Yet that District Meeting was formed according to the previously existing law, and its decision was duly acknowledged by the Conference. Mr. Moore had made a statement as to the construction which was to be put upon those articles, but too much stress should not be laid upon his testimony; he had been subject to much illness, and—[Mr. Piggott was here checked by Mr. P. Bunting, who sat by his side]—but he would not dwell upon that point. He would now produce the Minutes of the London District Meeting, to which Mr. Rolfe had referred. When Mr. Moore's case was considered, Dr. Warren, and Dr. A. Clarke, the bulwark of the Connexion, were parties to his suspension.

Sir W. Horne.—A sentence precisely similar to that of which Dr. Warren now complains.

Sir C. Wetherell.—A person may be present at a meeting without being a consenting party. I was in a minority the other day, and should be very sorry if I thought that my presence there sanctioned the decision.

His Honour, who had been looking over the District Minutes, said that he could not find the name of Dr. Clarke among those who were present. He was referred to in the Minutes, but there was no proof of his presence.

Sir W. Horne.—Dr. Warren at least was present at the confirmation of the act of suspension.

Sir C. Wetherell could not admit that the mere circumstance of his presence implied his assent to what was done.

Much conversation took place in reference to a copy of the large minutes which had been handed about. Mr. Newton's party refused to allow the genuineness of a copy in the possession of Dr. Warren's solicitor, dated 1833, though published at the Conference Office. It appeared that the copy exhibited by Mr. P. Bunting was dated 1797, and contained some few lines in reference to District Meetings which were omitted in the more recent editions. The difference did not appear to be material, and Sir C. Wetherell at length obtained the admission of the disputed copy. His motive for having it acknowledged, he said, was, that it contained the Articles of Pacification, unaccompanied by any trash in the way of gloss. [He afterwards excited considerable mirth by alluding to blue pamphlets and red pamphlets.]

Mr. Piggott resumed.—After having stated that between seventy and eighty cases of suspension had occurred before tribunals constituted precisely as was that which had tried and suspended Dr. Warren, he proceeded to remark that the fact of their authority having been frequently exerted was manifest from Dr. Warren's own pamphlet. Lest he should be accused of giving a garbled extract, he would read the whole passage:—

"A third expedient employed to keep up the appearance of constitutional proceeding in my suspension is an appeal to the usage of the connexion. When, it is asked, with an air of triumph, has any preacher been suspended conformably to the method prescribed in the general plan of pacification? Is it not the uniform

practice of district meetings to arraign, to try, to suspend preachers by the sole and exclusive authority of the preachers? That such has long been the practice it is impossible to deny."

There was a distinct admission of the usage.

His HONOUR.—If you quote that passage, you should also read the next sentence:

"And that the practice is contrary to the law of the body is equally certain. This, therefore, is one of the evils which negligence has allowed to grow into pernicious custom, against wholesome law and Christian liberty."

Mr. PIGGOT.—But that is only Dr. Warren's opinion.

Sir W. HORNE.—All that we want is to shew the usage, and Dr. Warren admits the existence of the practice, though he pretends to object to the principle.

His HONOUR.—O! I do not mean to say that Dr. Warren is the best witness you could select on your side. (Laughter.)

Mr. PIGGOTT.—His Honour should see what had been written on the other side; but it was not thought necessary to bring that forward. It had been urged as an objection that Mr. Taylor was called to fill the chair; but that was done in full accordance with the rule of 1797. Mr. Newton too, had been reflected upon for filling the office which had been sustained by Dr. Warren; but Mr. Newton did not derive a farthing profit from it, but was put to very great inconvenience. If his Honour wished the cause of Methodism to go on with prosperity, he would surely not allow Dr. Warren to return to his wonted station. After promising solemnly to submit to the decision—the "ultimatum" of his brethren, the very next day placards were published and circulated, announcing that, in the course of a few days, he should himself publish an account of the "unjust and unconstitutional proceedings of the Special District Meeting." Various affidavits stated that his conduct had been so flagrant, that it would have been an awful direliction of the deponent's duty if they had allowed it to pass unnoticed. They stated, that on the Sunday after his suspension "he preached at Blackburn, and on the following Sunday (November 2) at Dudley, though in the latter instance he was expressly forbidden so to do by the superintendent of the circuit, once by letter previously to his leaving Manchester, and twice in person after his arrival at Dudley. He has also availed himself of an irregular communication from one of the trustees of Wesley Chapel (Oldham-road, Manchester), to occupy the pulpit of that chapel two Sundays in succession, viz., November the 16th and 23d, in spite of an express prohibition on the part of another trustee, and in defiance of a claim made in each case, that the pulpit should be occupied by a preacher under the authority of Mr. Newton; and by the excitement connected with the well-known fact of his contumacy he has indirectly caused the most disgraceful outrages on Christian decency and order. He has, ever since the period of his suspension, presided at a weekly meeting of leaders held in a Sunday-school-room (Tib-street), in opposition to the regular weekly meeting at Oldham-street, and has encouraged leaders to pay their class-money at that opposition meeting. He occupied the chair at a meeting called 'the Adjourned Quarterly Meeting of the First Manchester Circuit,' and at that meeting admitted and sanctioned propositions and resolutions contrary to the existing and established laws of the Connexion. He further attended a meeting held in David-street Sunday School, and if he did not sanction at that time, yet he has subsequently sanctioned, in a variety of ways, resolutions which recommended the withholding of support from the missionary, contingent, school, auxiliary, and chapel funds. He has also sanctioned and aided the establishment of an association called the 'Grand Central Association,' the object of which is to compel the Conference to submit to intimidatory and factious agitation. He has, moreover, expressly sanctioned sundry statements contained in certain newspapers, which are at variance with the truth, and which involve injurious and unmerited reflections on certain members of the District Committee, and others of his brethren." He had attended meetings also at Leeds, at Hull, and other places, where the greatest confusion had been introduced, and where a lay representation, open conferences, vote by ballot, the stoppage of supplies, &c. &c., had been recommended by him.

Sir W. HORNE.—The Doctor seems to proceed on the plan of the Reform Bill. He has a touch at the Pension List also. (Laughter.)

Mr. PIGGOTT then read some further extracts from the affidavits in reference to the violent and inflammatory proceedings which Dr. Warren had encouraged, and asked what guarantee there was that religious assemblies would not be converted into political meetings, where the subversion of the Established Church, and matters destructive of the interests of true religion might be discussed and promoted. At one meeting it was "unanimously resolved" that the decision of the District Meeting as to Dr. Warren was most disgraceful to their character. Was that conduct consistent with a Christian minister? Measures were adopted not to uphold but to disturb the Conference. Dr. Warren presided at a weekly meeting of the leaders, and allowed them to collect class money, &c. &c. To shew the amazing extent of the mischief which was likely to ensue from one of the measures recommended by Dr. Warren, namely "the stoppage of sup-

plies," the affidavits stated that it would affect the funds formed for the general support of the preachers; for the afflicted or superannuated preachers; for the widows and orphans of the deceased; for the younger children; for the chapel fund, the missionary fund, the auxiliary fund, the contingent fund, &c. &c. They stated also that four hundred preachers depend entirely, and about one thousand two hundred, partially, upon some or other of those funds for their support; that the total yearly amount of the funds so raised, generally exceeds £60,000. And the contributions towards all those funds Dr. Warren was urging the people to withold till Conference. It was true that the Chapel at Oldham-street was not materially injured, but other chapels had suffered greatly, and the trustees were placed in difficulties. Very recently the Doctor lamented that he had not at first urged the people to withold the supplies from the travelling preachers in their respective circuits. For those and other reasons his Honour ought not to sanction Dr. Warren's return to the pulpits of the Connexion. Some of the deponents state that they believe the agitation is subsiding, and that the people are beginning to be settled, but that the return of Dr. Warren would prove disastrous to the Connexion. All chance of any thing but suspension or expulsion by the Conference was utterly hopeless. An opinion had been expressed as to his views and conduct and signed by eight hundred and fifty-eight preachers out of nine hundred; and in the interval between the present time and Conference, he would naturally use all his influence to separate parties for himself, and do the Society irreparable mischief. The case of the Oldham-street Chapel differed from that of the other. That was held by the Trustees under the deed of 1781, and the majority had given notice to Mr. Taylor to send them a preacher, in consequence of the suspension of Dr. Warren, and their opinion as to his unfitness to fill the sacred office. As to that chapel there was a clear discretion on the part of the Trustees, which had been duly exercised, and the appointment of Mr. Newton might be regarded as legal. They had occasion, however, to complain that the other two Trustees, with Dr. Warren, had encouraged the pew holders to withdraw from the chapel.

The learned counsel, having addressed his Honour for nearly three hours, concluded by contending that the conduct of Dr. Warren fully justified the proceedings which had taken place, and that the only way to put an end to the agitation which he had created among the Connexion, was for the Court to sanction the decision of the District Committee by refusing the present motion.

Sir Charles Wetherell, in rising to reply, said, that it was his anxious wish to confine himself within such limits as were compatible with the important interests of his client, and the faithful discharge of his duty to that most numerous and respectable class of the community. It had been stated that though there had at first been diffused throughout the whole Connexion a great dissatisfaction in consequence of Dr. Warren's suspension, yet that such dissatisfaction had "in a great measure subsided;" and the question had been argued by his learned friends upon the assumption that it rested in a great measure upon the personal feelings of the Doctor, and that he was the only individual who was interested in the decision which the Court should pronounce. *That* was not a reason why the question should not be strenuously argued; the case called as much for interference, though only involving his own personal interests, as if it included all the views, and feelings, and interests of all the persons with whom he had been associated, and for whose best welfare he had laboured. But his learned friends were very much mistaken; the question was not one of mere personal feeling; the contest was not reduced to the narrow compass of individual interest; the result was not confined to the character of Dr. Warren alone, but involved the interests of the whole Wesleyan persuasion. The question, in fact, was, whether a self-constituted forum, illegally formed of clerical members only, and contrary to the laws and regulations by which the body was governed, had, or had not, right and authority to suspend a preacher who had been regularly, duly, and constitutionally appointed by the Annual Conference, to exercise the ministerial functions within any part of the Wesleyan Union. The question was not confined to Oldham-street Chapel, nor even to all the chapels which came within the circle of the Manchester Circuit to which he had been so appointed; it had an application, a most important application, to every chapel within the Union, to every clerical member of the Union, to every lay member of the Union, male or female. So far, therefore, from being a limited or contracted question, merely relating to one person, it embraced the whole system of order and government of a religious body of people, whose numbers he believed he should not overrate if he said that they amounted, in Great Britain and Ireland, to not fewer than a million of souls. The chapels at which the members of that religious persuasion attended, had been founded, built, supplied with ministers, and were kept up, by the voluntary contributions of the lay members; though the clerical members might, he allowed, contribute as well as the rest, if they particularly wished it. (A laugh.) The salaries of the ministers who laboured, and the sums allowed for the support of the widows and orphans of those ministers who were deceased, were paid out of funds—nine hundred and ninety-nine parts of every thousand of which were raised by the voluntary contributions of the lay members

of the Union. The question before his Honour concerned those funds, and the stipends and salaries paid out of them; and therefore, if that self-constituted, clerical forum possessed the uncontrollable power to suspend or remove any preacher, against whom they entertained a personal pique, it was obvious that under colour of what was called ecclesiastical government, the whole of the funds were *de facto* at the mercy of that clerical tribunal. In other words, that without the consent, and without the intervention of a single lay member of the Union, there might be vested in that self-constituted committee a power to suspend, or to take away, the most talented, the most honoured, the most favoured, the most beloved, the most successful minister; of whose attainments the people most approve —whose character they most esteem, and by whose labours they have most profited. They were not, therefore, contending about a trifling question: they were not merely asking whether a certain gentleman shall or shall not preach a few more or a few less sermons, or go on in the discharge of his usual functions for a few days or a few minutes longer: that was not the case which was now before his Honour. The affidavit of a respectable gentleman named *Smith*, had shewn that instead of its being a mere question between Mr. Bunting on the one side, and Dr. Warren on the other, not fewer than *forty thousand* members of the Society were determined to oppose the tyranny and encroachments of the preachers, upon the rights conceded to the people in 1795 and 1797, and that he had the means of knowing that the number was daily increasing! He had, he said, received letters from various places, confirmatory of his statements. Thus he (Sir C. Wetherell) met his friend's premises but came to a very different conclusion. That affidavit proved that the question before the Court was a general question, involving the feelings and determinations of a vast portion of the community; at present it amounted to only forty thousand, but he was told by competent persons, and was happy to hear, that it was not diminishing. He observed from what his Honour had thrown out, that his Honour was aware that the present was a question between the governors and the governed as a body; and he could not help resolving within himself, to say a word or two on some expressions in the speech of his learned friend, Mr. Rolfe. "What a trifling subject was this," he said, "to bring into the Court of Chancery!" Suppose a gentleman was deprived of a pew in a Chapel, during a vacation, when the judges were in the country, and the gentlemen of the bar, some in the country, and some in France; and before he could get a bill framed to obtain redress in a Court of Law, the period of his engagement of the pew had ceased. Would that be assigned as a reason why he should have no relief? O, never mind whether you have been ill-used, whether you have been disgraced, whether you have suffered loss; no matter: your term will only last for five or six weeks longer; that period will soon roll away, and it is not worth while that the Court should be troubled with such *nugæ*. Not only had Dr. Warren been deprived of his salary—

Sir W. Horne.—No: he has not been deprived of any thing. He has the house appointed for him, and his salary as usual.

Sir C. Wetherell.—Well, but he had reason to expect an appointment for a third year. And was his character in no way affected by the suspension? Was the disgrace of being thus pitched out of his Circuit nothing? "Mere trifles," said his Learned Friend. "Never mind his being disgraced; never mind the cause being scandalised; never mind the feelings of his friends being wounded; never mind the doors of the chapels being closed against him; he can hardly preach longer than our speeches last: the clock will soon run down, and the hour for his departure will soon strike." (Laughter.) If the clock placed in that Court struck the hour, it would have struck four times yesterday before his Learned Friend came to consider the only one point of importance in the case, namely, whether Dr. Warren had been tried by a competent forum.

Sir W. Horne.—I was allowed to preach only one sermon; you are allowed tc preach two. (Laughter)

Sir C. Wetherell.—Mr. Rolfe was much shorter, and came at once to the question. His argument was, that Dr. Warren could preach in the chapels but for a short period, and that therefore it was hardly worth while for the Court to interfere. Suppose his Learned Friend was a Governor of the Bank, or an East India Director, and had in his rotation to go out at the year's end; if he were expelled two months before, would it be very consoling to his feelings to be told, "O, never mind being kicked out! you know you must have gone out in the course of two months." (Laughter.) Or, if he were at the University, and meant to leave at the end of the Term, to be told when kicked out of the College, "O, don't let it give you any uneasiness; you know you meant to leave in a very short time!" (Laughter.) Or, suppose he had the lease of a house, the term of which expired in two months, and were to be shoved out;—"O, never mind; you know you could have enjoyed the residence only for about six or seven weeks." (Laughter.) The argument was too absurd to encounter. He had stated enough to show that if the preachership had actually expired, Dr. Warren would do great injustice to himself if, even then, he did not bring the matter forward. But his term had not expired; and yet it was said that his client must put into his pocket at least a sentence of disgrace, because his pecu-

niary loss was so trifling that it was not worthy of consideration! He wished to shew his Honour that the Methodist body had done perfectly right in forming themselves into a phalanx, and in asserting their power, that they might have one of the most important laws of their constitution defined and established. He thanked them most sincerely for thus coming forward, and refusing to give up what they deemed to be their right. There was a sort of analogy between the Wesleyan body and the Church of England: in the Church of England an ecclesiastical tribunal existed for the cognizance of offences committed in matters relating to the Church; but there were certain cases in which the laity could put a salutary check upon their proceedings. There were instances in which the *laity* could interfere to prevent the removal of a clergyman, or to procure his removal, even though there was a clerical jurisdiction and ecclesiastical law for that express purpose. In analogy to that, the principles of Methodism, which nearly resembled those of the Established Church, very properly required that *the lay portion* of her community should have a control in certain matters specified. In the Wesleyan Union, a rule was laid down, which was regarded as the existing article or law, according to which a preacher should or should not be suspended or removed. According to that law, the laity were allowed and required to interfere in such cases; and a large portion of the laity were determined that henceforth, at least, that law should be carried into effect. He had stated in his opening, that there were existing laws on the subject, and that in the case of Dr. Warren, those laws had been most grossly and egregiously violated. He was not disposed to shrink from that opinion in consequence of any thing which he had heard from his learned frends. Whether he looked at the question as a matter of fact to be collected from the documents laid before his Honour, or whether he referred to those laws so well known to the Court, and continually acted upon, he would establish from both the principle, that there did exist a specific rule or law in the Wesleyan body, as to the mode in which preachers were to be suspended or removed; and that in the case before his Honour, such law had been grievously departed from. He should briefly state the arguments by which he supported that opinion. In the Established Church the pulpit of a clergyman, and the reading-desk of a clerk regularly appointed, became his freehold or his chattel. In the Wesleyan Union the preacher was appointed for a given term—for one, two, or three years; his title was not of the kind he had stated in reference to the Church, but rather, *quamdiu se bene gesserit.* If he were properly selected by the Conference, and appointed to fill the pulpits in a particular circuit, he had, exactly as long as the term of that right lasted, as firm a title as any rector or vicar had to his presentation, according to the law of the realm, so long as he conformed to the conditions on which it was held. That was the only ground on which the Court could interfere. The two instruments which related to the two chapels from which Dr. Warren had been ejected, were dated, the first of them in 1781, before the promulgation of that law which, he was bold to assert, was contained in the Articles of Pacification. But that chapel being founded before, what he would call the Bill of Rights between the preachers and the people, the deed could not refer to the law which was made subsequently: yet, that deed did say that the preacher should be appointed by the Conference. Dr. Warren was so appointed; as to that there was no dispute. The deed of 1781 could not recognise what was done in 1795, but according to both instruments the trustees were to hold the chapels "for the free use, occupation, and benefit, of the persons who should from time to time be appointed by the Annual Conference." Dr. Warren was appointed by the Conference: he had a title, therefore, founded not on pastoral letters, conversations, loose minutes, pamphlets with blue or red covers,—(laughter,) but *on the Trust Deed.* That deed entitled him to preach in that chapel as one duly appointed by the Conference; there was no law to amove him, there was no court competent to effect his amoval from the office to which he had been so appointed. The deed provided that if any person appointed by the Conference should appear to the Trustees to be an unsuitable person, they were to make application to the Conference, and if the Conference should refuse or neglect for the space of two months to appoint another preacher, then the trustees, or the major part of them were to appoint a suitable preacher. Now, supposing for a moment that the law to which he had referred did not exist, there was a clear right under the deed. He looked not at pastoral letters, conversations, reminiscences, addresses, memoranda, *scholia*, glosses, comments, and observations, forming a sort of pamphleteering authority, (laughter,) he placed his stand on the deed made before the promulgation of those ambiguous rules. The deed itself had a rule—the only proper rule—to apply to the case. While he maintained his opinion as to that law to which reference had so frequently been made, still he would say that Dr. Warren was not bound by that law. He looked to the deed; if the law was not made in 1781, he must act according to the terms of the trust as expressed in the deed. Let that deed be applied to the present case: had the trustees adjudged him to be unfit? no such thing. Had they gone to the Committee of Conference? No. A District Committee, composed of clerical members entirely, had interfered in the business; but a District Committee was a very different thing from the Committee mentioned in the deed. Sir C. Wetherell then said

that he regarded the question as an important point of law; and, for his own part, he very much doubted if the deed of 1781 could be altered by the articles of 1795. By the deed the suspension or amotion of the preacher was to take place in consequence of his being declared to be an unfit person; and if the Conference did not appoint another preacher in his place within a given time, the trustees were to do it. That, therefore, was his first proposition—that admitting that the articles of 1795 gave power to form a Court to try and suspend a preacher, that could not overturn the deed of 1781. That he had no hesitation whatever, as a lawyer, in asserting. But *usage* was referred to; the usage of trade was pleaded, and pleaded in opposition to the trust *under seal!* Suppose an appointment to a civil office; was the usage of trade to be referred to, in order to ascertain the man's right? Was it to rest upon the belief of some loose existing evidence, some recollections of conversation, "the babble of auction-rooms," as Lord Ellenborough once called it? Were pastoral letters, conversations in Conference, recollections of this and that to pass into a law, while the trust under seal, the only title, the only foundation of legal claim, the only thing capable of being referred to, was overlooked? When he opened the parchment, he found what was said about amotion. Instead of referring to ambiguous rules and loose memorandums, he would ask, "What is the rule of amotion laid down in the deed? Has the preacher been tried and amoved according to the provisions of that deed? Let the deed speak; by that alone the forum is to be constituted, and the sentence awarded." Dr. Warren had such a title, but in opposition to that, the self-constituted forum, the Star-chamber authorities, say, "Oh! but we have an oracular law; your deed may state what you say it does, but we have laws founded on pastoral letters, addresses, conversations, reminiscences, (some of them not very good ones, if he could judge from the specimens which had been given,) glosses, comments, observations, *scholia*, blue books, and red books." (Laughter.) And thus the Doctor's title was to be made a dead letter. But what say the legal authorities as to the admissibility of such evidence?

Sir W. Horne.—Authorities! If you produce authorities, I shall insist on my right to reply.

Sir C. Wetherell.—You may insist upon what you please when I have done; but, at present, Sir William, I am in possession of the Court, and I don't wish to be interrupted by you. The Learned Knight then repeated that he should produce authorities on the subject. He held in his hand "*Phillips' Treatise on the Law of Evidence*," and its power to vary or discharge instruments. His learned friend said that he would reply. Perhaps he would find occasion to do so in reference to what he (Sir C. Wetherell) would call *trash*, not in a bad or disrespectful sense, but in reference to its real value, for the purposes for which it was brought forward. He did not hesitate to say, that of that trash, nineteen-twentieths could not be admissible as legal evidence. It had been read before his Honour, and it was the duty of Counsel to purge what was said out of the mind of a Judge, if it was likely to prove injurious; and bitter as the purge might be, the trash must be eradicated. Such talking gossiping, babbling testimony could never be admissible as legal evidence. The proposition he meant to lay down from the authority before him was, that USAGE *could not be adduced to* CONTRADICT *the provisions of a deed, but merely extrinsically, for the purpose of* EXPLAINING *it.* That rule was applicable to nearly all cases of construction. Now was there any ambiguity in the deed before him? Was it not perfectly plain, as to the mode of appointment, and as to the mode of amoval? But the argument was applicable to written deeds, even though not under seal. He was surprised to find gentlemen setting up a sort of *usage of trade*, and resting their chief evidence upon that. Sir C. Wetherell then quoted Phillips, who, in reference to usage brought forward to prove the terms of a policy of insurance, declared that such evidence was not legally admissible; it might be employed to illustrate or explain any part of it which was ambiguous, but it was not admissible to contradict the plain language of the policy. It was not necessary to multiply authorities; the gist of his argument was briefly this—that the language of the deed should be examined, and that the usage or understanding of trade must not be set up to contradict it. The same law had been applied to instruments which were not under seal: agreements for leases, for instance. It was not necessary to go back for twenty or thirty years to rake up extrinsic evidence as to what the landlord or tenant required of each other, much less for the purpose of contradicting its contents. It was quite sufficient to examine the lease. Now what was the case in reference to the deeds of the chapel before the court?

Sir W. Horne.—We don't attempt to dispute the terms of the deed.

Sir C. Wetherell.—Then if his friend gave him the law, he gave him the verdict too. He accepted the gift, and if his Honour admitted the principle, he also would give him all that he wished. The passage quoted from the deed was clear. Had it been ambiguous, usage might have been referred to for the purpose of illustrating it; but such evidence was not admissible to change the terms of that instrument. He contended, therefore, that Dr. Warren had not been legally suspended: the evidence which had been brought forward was not admissible, and ought to have no influence to overturn the instrument under which he was appointed. Admitting him to have committed an offence for which

the trustees might have reported him to Conference, it was Conference alone who should determine what was to be done with him. He contended, therefore, first, that the Manchester Special District Meeting, constituted as it was, had no power to try Dr. Warren; secondly, that he had not been tried; and, thirdly, that, if guilty, the trustees had power to obtain a substitute. The District Committe, therefore, had been guilty of three acts of usurpation, so far as the deed of 1781 was concerned. Then as to the Wesley Chapel Deed of 1826, under which Dr. Warren was appointed to that chapel. If there was a *forum competens* in 1826, still he should apply his proposition, that the act of the preachers as to Dr. Warren was illegal. If he admitted that a law existed as to the formation of tribunals, he must also say that under that deed they had established another sort of forum! "Oh! but," said they, "we have *two* laws: first, we have the babbling, talking, hearsay law; and, secondly, we have a law that is clear and certain." (Much laughter.) "We will not have the trust deed; that is only a piece of parchment." (The only data, by the way, the only substratum on which a bill could be filed.) "Never mind what the deed says; no matter what kind of tribunal the deed requires, or how the deed says the trial is to proceed. We have got our question and answer minutes—our pamphlets—our conversations and reminiscences—our blue books and our red books. These we will hand about and consult, and by these we will be guided." (Much laughter.) Well, he would look at those pamphlets of all sizes and colours; but he would look first at the deed. That deed mentioned a distinct rule. and that rule was the Articles of Pacification, to which he was now about to come. He wished gentlemen would read attentively; they seemed to run their pen-knives through the whole of the deed; at least, they cut large portions out. They read, not to inform themselves, but, to forget. (Laughter.) But his Honour would be sure to recollect. Sir Charles then proceeded to read the several clauses of the deed, pointing out the precise directions which were given as to the way in which the preachers were to be appointed—the doctrines to be preached, &c. &c.

Sir W. Horne said, that his Honour had the deed before him.

Sir C. Wetherell was quite sure that his Honour did not need that interlocutory flapping. His learned friend need not elbow his Honour's recollection every moment. he would attend carefully to all that was said without any such help. (Laughter.) Having noticed other provisions of the deed, he observed that under that deed the Reverend Doctor was appointed. And in that deed, not by a vague reference, but in terms as accurate as the most skilful conveyancer could employ, the *Articles of Pacification* were expressly named, and thus legally recognised as the code of the body. It was the same as if the articles *in extenso*, their whole matter at full length, had been inserted in the deed. The rule which had been so frequently referred to, as to he trial of preachers, was thus made part and parcel of the constitution of Methodism; and it was to be dealt with, not as a memorandum upon a loose paper, or in an old pamphlet, but as a part of the sealed instrument itself. Then as to the rule itself: it was clear and explicit, and required no explanation, no glosses, no comments, no *accessio aliande*. Gentlemen might try to get rid of it; they might say that there should be no rule at all; but if it were treated as men generally treat facts, it would be found that it was much too clear to require any elucidation or arrangement. Now, for the mere sake of argument, he would admit that before those articles were framed some other laws might exist. If his learned friend thought proper to reply, he would be glad to be informed what was said of any such law in 1791 and 1792, or whether any thing could be found in the directions there given to invalidate the law of 1795, which was recognised so plainly in the deed as part and parcel of the law of Methodism. For logical purposes he would throw up his proposition, but not for the sake of truth. He would give it up for a moment for the sake of shewing the sort of cookery with which the case of his friends had been got up; for truth's sake he would not give it up, though for the sake of argument he might consent to do so. To shew the stratagem which had been resorted to, he would refer to the Minutes of 1791 and 1792. It was very odd that gentlemen on the other side had marked passages as supporting their case which he (Sir C. Wetherell) had marked, thinking they would swamp it. The minute of 1791 was a case *choicée*, which he had intended to reserve. His black letter friend, Mr. Rolfe, who would "infer acts of Parliament from usage," had jumped at it as something valuable for his purpose. What was the power with which it invested the assistant? Was he to try a preacher? to suspend him? No: he was simply to summon the preachers *in any critical case*, consider what was to be done, and report the proceedings to Conference. There was nothing about *Jeffryism* in all that! But his friends did not like Dr. Warren's writings. He (Sir C. Wetherell) did; for he thought that they contained many pungent things. After reading that minute, he might admit that the superintendant had a right to report any preacher who had done wrong to the Conference, but what had that to do with amoval or expulsion? He did not care, therefore, whether the resolution of 1791 were law or not. By the regulation of 1792, the Chairman of the District was to send an exact account in writing, to any preacher who might be accused, and to call a meeting of the District Committee to examine into the charge. That did not constitute a court, armed with the powers which his friends claimed

for it. In 1793, it was said, if any Preacher be accused of immorality, the Preacher accused, and his accuser, shall respectively choose two Preachers of their District; and the Chairman of the District shall, with the four Preachers chosen as above, try the accused Preacher; and they shall have authority, if he be found guilty, to suspend him till the ensuing Conference, if they judge it expedient.—He cared little whether that was law: that, certainly, was not the way in which Dr. Warren had been tried. The code of 1795 put an end to all the other laws entirely. Did his learned friends deny that? Would they wish it to be understood, that there were to be two courts to try the same thing? It was insulting to common sense to be told so! "Immorality" was the ground of accusation in the Minute of 1793; that was also the very offence mentioned in the Question and Answer Book of 1795. Did learned gentlemen say that that was the law? Be it so! Dr. Warren had not been so arraigned and tried. In the Minutes of 1794, there was a passage which had been read by his friend, Mr. Piggott. "That the Trustees may have the fullest assurance that the Conference love them." Several things were proposed, and among the rest,—"If any Preacher be accused of immorality, a meeting shall be called of all the Preachers, *Trustees*, *Stewards*, and *Leaders* of the Circuit in which the accused Preacher labours; and, if the charge be proved to the satisfaction of the majority of such meeting, the Chairman of the District in which that Circuit is situated, shall remove the convicted Preacher from the Circuit on the request of the majority of the meeting: nevertheless, an appeal from either side to the Conference shall remain." But it would be rather odd love to give the laity the right of co-ordinate trial over a pastor, and then resume it. That was not very like love: love was displayed in the gift, and then,—the opposite. A boon was proffered, and then something not very soothing took place, and the boon was withdrawn.—(Much laughter.) He was utterly astonished when the learned gentleman read the passage; for the law which it recorded was a complete prototype of the article of 1795. It was not a clerical court which was to be convened, for leaders, stewards, and trustees were to be present. That also was a passage which he (Sir C. Wetherell) had marked for his own. Even in 1794 that mixed kind of tribunal was found; and yet the learned gentleman in pursuing that retrospective march in which time was consumed, and reasoning laid prostrate in the dust, goes and throws down the law which had been established, and which was confirmed in a subsequent year. Then came the Articles of 1795, which his Honour, who listened so attentively to every word which was said on both sides, must by that time be fully acquainted with. (Laughter.) That was the article laid down in express terms in the deed of 1826. His learned friend, Sir W. Horne, had dwelt a long time on that article; it was a perfect Bay of Biscay to him, in which he tacked about for two hours or more. (Laughter.) But he did not venture to interpolate it as his more bold friend, Mr. Rolfe, had done; for when that gentleman came to the words, "the cases above-mentioned," he went back and referred it all to the administration of Sacraments. He spoke about a mixed Court of laymen and clerical gentlemen. Ah! but then to get back to the old rules he was obliged to add "any of the cases above-mentioned," so that he might have the New Court and the Nondescript Court too. (Laughter.) The one was to try the preacher for immorality, want of ability, heterodoxy, and neglect; the other was to try him for some undefined, some unknown crime. When his friend read the second article, and found the words "in the above-mentioned cases," he put in his pen and supplied those cases; but when he came to the fifth rule, he entirely forgot all about it. The mixed Court was to try for heterodoxy, for immorality, for want of ability, or neglect of discipline; but behind the scene there was another Court waiting to try for something else; whether for libel or not he could not say. The Minutes of 1797 were confirmatory of those of 1795; and yet the learned gentlemen on the other side were as happy in quoting from them as from those of 1794 or any preceding year. He, Sir C. Wetherell, had marked that passage also, in which the Conference told the people that the District Meetings had hardly any authority remaining; but the gentlemen tried to make out that having hardly any thing, meant having every thing; a right to keep alive a co-existent, arbitrary Court, into which they might bring forward any dirty, mean quarrel, and in which they might vent their ill-nature, their spleen, their malice, on the head of any individual who had given them offence! Sir Charles then said that he must refer to another authority. His learned friend, Mr. Rolfe, displayed much ingenuity. He had not sailed about as some more excursive advocates had done, but had gone at once to his arguments. He had referred to cotemporary usage, and had extolled it as a valuable species of evidence; and he quoted the authority of a very learned judge, who had said that the power of usage was so great that he would presume an act of Parliament upon it. That distinguished man had often been quoted, but that expression was not amongst the most happy of his sayings. Lord Eldon, who was as eminent a judge as ever sat in the Court of Chancery, said, that he hardly knew what was meant by the expression. There were cases in which, from long usage, we might presume a charter where it could not be found; but he thought that the dictum was cited merely as a *façon de parler*. He never heard of presuming an act of Parliament by which persons might be deprived of

a freehold, or by which a man might be ejected from his living, or robbed of his salary; by which an individual might have a public stigma and disgrace fixed upon him for life; by which an arbitrary, mean, petty, tyrannical, criminal court might be erected, in which those who assumed the power might wreak their vengeance on those who had offended them. He never heard of presuming an act of Parliament in order to establish a Star Chamber, such as had been resorted to at Manchester. A presumption upon usage, by which a man was to be robbed of his property; by which a case was to be got up merely to afford the opportunity of following him with individual malevolence; by which peace of mind and opportunities of usefulness were to be destroyed; which was to deprive a Christian minister of the invaluable rights of public character, and the emoluments of responsible station;—he had never read, and he had yet to learn, how presumption upon usage could thus take away any man's right—could cause him to be cashiered, disgraced, banished, outlawed, driven from acquaintance, from congregation, from public worship, to pine away in solitude and in contempt! He had authority to shew that such usage was no authority—that no custom, no prescription, could sanction outrages such as those. His Honour would probably remember the arguments of one of the most eminent judges that ever sat in Westminster Hall, of whom he might say, that to whatever of learning, and integrity, and honesty could make perfect, he had attained. In looking at that distinguished judge, Lord Camden, he did not find him referring to precedents and to usage to justify violence and wrong: he had said that prescription could not confer validity on what was in itself illegal. He had taught us that prescription, custom, usage, pamphlets, conversations, memoranda, recollections, were not to trench upon any man's civil rights—to inflict lasting injuries upon his property, or indelible stains upon his character. What did Lord Camden say about the validity of precedents, where a man had fortitude enough to resist such encroachments? In the celebrated case of "Seizure of papers," in which it was alleged that the Secretary of State possessed a power to seize upon papers under peculiar circumstances. It was proved that such had been the usage long before, and for some time after, the Revolution, during a period of nearly a century. No such long usage was referred to on the present occasion Sir W. Horne said that they had about *fifty* cases; but the tide soon rose, and they got up to *seventy*; whether it was spring or neap tide at present, he could not say: he did not care if they had a hundred cases. They might have been cases of persons so guilty, that they were ashamed to appeal—so poor, that they were not able to come into court—so timid, that they had not spirit to oppose: hence they were prompted to submit. Whatever precedents they might collect, all would go for nothing, where the individual could muster courage to stand against them. In that celebrated case the usages were said to have existed for a century before; on the present occasion they had been referred to a very green one, for they were all reported to have occurred since 1795. He insisted, however, first, that such evidence was not admissible; and, secondly, that if it were admissible, it was good for nothing—good for nothing in point of law. He had called their evidence *trash;* and he would now produce his authority to shew that it was so.

Sir W. Horne, who had just re-entered the Court, asked what case was about to be cited?

Sir C. Wetherell.—The case of seizure of papers.

Sir W. Horne.—Oh!

Sir C. Wetherell.—His learned friend cried "Oh!" and well he might. (Laughter.) The Grand Jury had ascertained, as far as usages of nearly a century went, that the seizure of papers by virtue of Lord Halifax's warrant was legal. Lord Camden had laid it down as a rule, that if the act to be done was an illegal act, it could not be altered by prescription or usage. The precedents were so dark, and so obscure in their origin, that counsel could not find out from whence they sprang. Whatever might be the source of the authority, the Secretary of State was in full legal possession of the power to exercise it, and the continued practise of it was fully confirmed by a great variety of precedents. He did not consider himself in circumstances to set it aside, though convinced that its source was erroneous. After further remarks and observations, his Lordship decided that the submission of any number of persons to the usage or precedent which had so long existed, did not necessarily bind others to submit to it. In drawing towards a conclusion, Sir C. Wetherell said, that he had to argue the question on the ground of civil right, but it might go far beyond the mere dry legal rule. He referred to the principle which had been laid down, and declared the jurisdiction exercised upon Dr. Warren, in the erection of an arbitrary criminal court, to be an outrage at once upon law and decency. Formerly, in ecclesiastical courts, a man might be prosecuted for contumacy; and in that scandalous tribunal at Manchester (he would call it by no other name), they had prosecuted Dr. Warren for a similar offence. "We have a right to try you," said they, "and we call upon you to plead." "You are a clerical court," he replied, "and I won't submit to be tried by you." "Won't you! why then we'll excommunicate you." (Much laughter.) "But we will give you a month to consider of it." "O," say the learned gentlemen, "in sequence he submitted." But the Chairman said that he did not. He suspended him because

he would not submit to the tribunal they had erected. "Dr. Warren," said he, "has left us no alternative but to suspend him." To that illegal tribunal, arming itself with a scandalous authority—departing from the rules laid down in the Supreme Council in 1795—robbing him of his domicile in the chapels to which he had been duly appointed—and exposing him to misrepresentation, disgrace, and contempt;—the seizing of a man's papers was not a more arbitrary act than that illegal Star Chamber tribunal had done towards that gentleman. He (Sir C. Wetherell) did not understand the argument of his friends: "He has submitted," they say; "but don't argue with us, argue with Mr. Secretary Crowther. You said you submitted. You entered the room—and that was submission: you parleyed with your judges—that was submission: you whispered to Mr. Bromley—that was submission. You come too late now. Your conduct was just the same as if you had held up your hand at the bar and submitted to be tried." (Laughter.) Such was the construction which learned gentlemen put upon the sentence in Mr. Crowther's letter! So, he supposed they would say of the fifty or sixty persons whose names had been collected from the books of the Conference: but it was nothing to him whether they had submitted or not; such evidence was not admissible, and if it were admissible it went for nothing. According to the rules of 1795, what had been done was not legal: according to the deed of 1781, it was not legal. If Dr. Warren were a student in one of the Universities, and were to be tried *in camera* before a College Visitor, in private, even in the domestic forum, as to the propriety of publishing such a pamphlet, and as to whether he ought to be visited with any penal consequences, it was a question whether the Visitor would think it worth his while to go into the inquiry. Sir C. Wetherell said he should trouble his Honour with but few more remarks. He contended that Dr. Warren had not been tried in *forum competens*. Gentlemen said that the articles of 1795 were given up; but it was a fact that they were recognised in 1829, and again in 1833. He read some quotations to prove this, observing that in the Minutes there were no fewer than three inspecsimusses of the Wesleyan Magna Charta, and in 1833 the whole of the foregoing were revised and published as the code by which the body was to be governed. The gentlemen on the other side had great advantages. Mr. Bunting was the competitor of Dr. Warren, and a very formidable competitor he was. Then he had a son, Mr. Percival Bunting, who was a lawyer, and a lawyer on the other side of the question. (A laugh.) He had been granted the opportunity of turning and tumbling over the Journals of the Conference, District Minutes and Memoranda, and other documents, to which Dr. Warren and his friends had sought access in vain. Then they had resorted to the *argumentum ad hominum:* they had said, "Doctor, why you can't complain of being called before a Special District meeting, and suspended by it; you are aware that similar Courts have frequently been held, and that you were present in them, and took part in the proceedings—so that great folio book which is near you says. Don't you remember when Mr. Moore's case was considered, first, at the Special District Meeting in November; then, again, when the case was reported to the General Annual Meeting of the District, in the following April, and the sentence of suspension was confirmed? You have been putting your shoulders to the very same sort of work; you were one of the judges who suspended him." Mr. Moore, it seemed, denied their jurisdiction, and laughed at their sentence of suspension. He threatened to try the validity of their sentence in a court of law. He said, "If you don't allow me peaceable possession of my house; if you continue to annoy me, and try to put me out with your squibs and crackers, I'll go at once to a magistrate and get redress!" However, from the names at the top, it appeared that Dr. Warren was present. But it was ridiculous from that fact to argue, that because he was present he was an assenting party to the proposition. He (Sir C. Wetherell) was utterly surprised and astonished to hear two legal gentlemen arguing that presence in a place was to make a man *particeps criminis*. That was the upshot of that case! Then came the case of the Rev. J. R. Stephens. A Special District-Meeting was held to try him, and Dr. Warren was present. Nothing but *scholia*. Mr. Stephens was tried for the very serious offence of advocating the separation of Church and State. Dr. Warren went there as his friend, to render him assistance, if possible. The Court examined the case, and came to a determination to suspend Mr. Stephens; but Dr. Warren was neuter.

Mr. R. Newton, and some others.—Oh, no!

Mr. Piggott.—The minutes of the Meeting say that it was unanimously resolved.

Sir C. Wetherell did not care for that. When there was no division, a thing was said to be carried unanimously. Dr. Warren stated that the reason why he did not object to the decision was, that he did not wish to be seen standing alone. That must not be put down as a proof that he concurred either in the legality of the Court, or the sentence of the judges. In conclusion, Sir C. Wetherell said he hoped that he had not been too long, and that he had been so clear as not to be misunderstood or mistaken. But he must add something. His friend, Sir William Horne, had taken up at least two hours—whether there were short hours and long hours, he did not know, but

if there were, his friend had chosen those of the longest measure—in commenting upon Dr. Warren's pamphlet. As he had said before, if the question as to the propriety or impropriety of publishing that pamphlet had been tried in a domestic room at a University, the College Visitor would be extremely shy of expelling a man for writing such a book. He would regard it as a personal quarrel—as one of those *rixæ* which frequently happened between ecclesiastical gentlemen—and would either pass it by as unworthy his notice, or inflict on the writer some trifling penalty. A question was discussed before the Conference; Dr. Warren claimed his right to be heard; he was heard with considerable difficulty; he afterwards published his speech, with some remarks. On one occasion he stated that Mr. Bunting "presumed, amidst the surprised silence of the Committee, to insinuate that I (Dr. Warren) was under the influence of some mean, some unhallowed motive in dissenting from my brethren: adding, in a tone and manner peculiarly his own, that my opposition was *the most* UNPRINCIPLED *he ever knew;* subjoining, after a pause, 'And *I speak* ADVISEDLY!'" Now, if a person were to be indicted for a libel, he hardly knew any expressions in a book on account of which a jury would give a verdict more readily. But, after all, he did not know what the Conference or the Manchester District had to do with it, especially when the Doctor had the respect of the whole District for himself. The gentleman who uttered those libellous words might seek by sophistical explanations to do their force away; but there they stood in the book; there Dr. Warren was plainly charged with unprincipled conduct. Any sarcasm which he might have uttered, any severity of language which he might have employed in his pamphlet, is far from being equal to those words used by Mr. Bunting; and if the expressions be somewhat stronger than one could wish, the answer might be, that Mr. Bunting, who so accused Dr. Warren, had the main hand in getting up that arbitrary court, and of advancing his friend to the rank, station, and inheritance of the individual he had deprived. Surely that could not constitute a legitimate procedure in a competent court of justice! He left it to the judgment of charity and good sense, to say, if there was any thing in the reply of Dr. Warren equal in malignity to what Mr. Bunting said of him, or more than any person so unjustly and uncharitably attacked might be allowed to use? But what was the nature of the tribunal at which he was to be heard? If it was a tribunal at which the *graviora crimina* could not legally be tried, how much less the alleged impropriety of declaring freely his sentiments upon a doubtful point? If for a larger crime he could not be legally removed by such a court, could it be tolerated that for a little *rixa* he should be dragged before such a tribunal, and that by the only person who complained, and who had aimed to deprive him of his character, his reputation, his comfort, and his personal rights? If so, it must be admitted that for the larger crimes, which violated order—which outraged decency—which disturbed society—which broke up congregations—which robbed religion of its aim; for things which might and which ought to be heard and punished, there was no competent tribunal; while for private misunderstandings—for contests between A. and B., if such contests there were, a man might be taken from the comforts of domestic life, and cited before a criminal court—cited for the *levia crimen*, while the *grave crimen* was unvisited! There were no terms sufficiently strong to designate such an absurdity. If there existed clauses in the code of Methodist law, which sanctioned such absurdities, they should be instantly expunged. As it was, they could not go back from the rules of 1795 to adopt those of 1791. In conclusion, Sir C. Wetherell said he could have no doubt as to what his Honour's decision would be. He was so confident, as a lawyer, of the legal merits of the case, that he would take an issue upon it; and with the deed of 1781 and that of 1826, in which the laws of 1795 were fully recognised, he was convinced that no judge would allow the laws of 1791 to set the others aside. Usage might be pleaded, and an attempt might be made to establish it, by citing the cases of men who were too guilty to come forward, or too poor to seek redress; but some individual would come forward who would act as the men of sixty-five, and say, "I refuse to have my chests broken open!" If his Honour should entertain the least particle of doubt about the articles of 1795, he (Sir C. Wetherell) would undertake, as a lawyer, to prove before any tribunal, or in any Court, that the Articles of Pacification were the only proper law, and the Court there described the only legal tribunal.

Sir C. Wetherell delivered the above speech with considerable animation, and was cheered on his sitting down.

His HONOUR then proceeded to give judgment. The case, he said, had been argued with very great ability on both sides; and very properly so;—for he could not concur in the observation made by Mr. Rolfe, that it was a matter of trifling consideration. He could not consider any thing trifling which concerned not only the well-being, but also the very existence of this great body, because it was his firm belief that to them was owing a large portion of the religious feeling that in fact existed, not only in this country, but in a great part of the world. When it was recollected that this society originated with the distinguished Wesley, and that it had been since illustrated with such eminent names—and one he would content himself with mentioning, Adam Clarke (murmurs of applause)—he con-

ceived that no person could have a proper understanding of what religion was, who would not look with affectionate interest and concern at all that related to its prosperity and support. The question was, whether this court was to interfere in a case where the trustees of a chapel had removed a gentleman from the situation of preacher, and excluded him from the chapel. It was contended that this court had no jurisdiction in the matter, but his Honour did not concur in that position; he could not admit it, because by the very deeds under which those chapels were held a trust was created, and although this was a voluntary society, yet the trusts in relation to it were in this court to be regarded in the same manner as any other trusts in the ordinary affairs of life. He must then consider the question whether, under the circumstances of this case, it was right for the court to interfere. Now, in respect to the deeds under which these chapels were held, these deeds must be considered not merely in themselves, but as part of the machinery by which the system of Methodism was carried on, and the trustees must be considered as holding their trusts connected with the rules and regulations of the society applicable to their trusts. His Honour conceived he should take a very dry and meagre view of the case if he were to look at these instruments independent of all extraneous circumstances, and without reference to the objects for which these trusts were created. And in this view of the proper mode of considering these instruments his Honour was fortified by the authority of Lord Eldon, as that eminent judge laid the law down in the case of some of the tenants of the Duke of Bedford's estates against the trustees of the British Museum. It was there contended by the plaintiffs, that the persons who represented the British Museum were bound by written and express covenants contained in a deed, by which the property then in question became severed from some members of the Bedford family 150 years before the question arose. There was no doubt that the things complained of by the plaintiff fell within the strict terms of the covenant, yet Lord Eldon thought, that in order to decide it fairly, before the Court should interfere, he must regard not only what was in the deed, but the circumstances under which it was made, and the implied agreement and understanding between the parties, although not one word of it appeared on the face of the deed itself. Now, in the present case, the Rev. John Wesley having instituted Methodism, it appeared that in 1781 the first deed was made which regarded the (Oldham-street) Chapel to which the plaintiff, Dr. Warren, was appointed; and that deed being made in John Wesley's lifetime, he conveyed the tenements in question to certain trustees, upon trust, "that they and the survivors of them, and their heirs and assigns, and the Trustees for the time being, should permit and suffer John Wesley and such other persons as the said John Wesley should for that purpose from time to time nominate and appoint, in like manner, during his life, to have, use, and enjoy the said premises respectively, for the like purposes as aforesaid; and after the decease of the said John Wesley. then upon further trust, that the said Trustees, and the survivors of them, and the trustees for the time being should permit and suffer such person and persons, and for such time and times as should be appointed at the yearly Conference of the people called Methodists. in London, Bristol, or Leeds, to have and enjoy the said premises, for the purposes aforesaid." Then it imposed upon the preachers certain provisoes, as to the doctrines which such persons should preach; and then there was a particular proviso upon which a great deal of observation had been made, namely, that if any person so appointed to preach, should, in the judgment of the trustee or trustees for the time being, be deemed an unfit or improper person, and the Committee of Conference should not appoint another in his stead, within two months after a regular notice, containing their reasons, then it shall be lawful for the trustees to appoint such other person as they shall think fit, until the next Conference. Now, that was a power in the nature plainly of an executing power,—that was a power given to the trustees; but that deed did not contain anything which put in terms any obligation upon the trustees, in case they thought the person improper, to permit him to enjoy the chapel. He did not see anything in that deed of that nature, nor anything beyond what could be inferred from the first part of the deed, which was generally creating the trust; but it struck him, that if the trustees should conceive, in fairly exercising their opinion of the individual, that in consequence of the act committed, it became necessary to interfere immediately, and prevent such person from preaching, then the deed gave them the power to take the course prescribed by it. The course prescribed, in the first instance, was to give the Committee of the Conference a power to appoint a substitute, and in case they did not exercise that power, then there was an express power given to the trustees to appoint a substitute. Then there was the deed of 1826, [the Oldham road Deed] which was long after the death of Mr. Wesley, and after certain minutes which had taken place in the years 1791, 1792, 1793, 1795, and 1797, which had been so much the subject of observation. By that deed, the trustees were to permit the chapel to be used and enjoyed, for the purposes of religious worship, for the service of Almighty God, by the Society of people called Methodists, late in the connexion with the late John Wesley, and for that purpose to suffer such persons as should be appointed by the Conference, and no other person or persons whomsoever, except as after provided, to have the free and

uninterrupted use of the chapel. Then there was a proviso as to the moral character of the party so appointed being unexceptionable, and that he preach no other doctrines than those of Mr. Wesley, described in the deed of 1781. Then it was provided, that in case the trustees thought he was immoral, or deficient in abilities, or erroneous in doctrine, or had broken the rules, the trustees for the time being should proceed according to certain rules laid down: that was a rule amongst those regulations he had already referred to. Now, it was observable, therefore, that this deed did, in a general way, refer to the use of the chapel, for the purpose of religious worship, and for the service of Almighty God. by the society of Methodists. That was a circumstance which he conceived was not to be kept out of sight, in commenting upon the deed, and the duties of those who were to exercise the trusteeship under the deed. Now, he must consider, that it never was intended by the parties who had continued to belong to the Methodist society in succession, since the trust was appointed, that there should be any thing but one general object pursued, otherwise, perhaps, than what might be mere by-laws and rules of a local kind; but that it was the object of all the parties to form one body, to be governed by one set of laws. Then the parties who were appointed under the deed of 1781, must look into the rules then existing, for the manner in which they were to execute their trust; but it appeared to him, that if, in the progress of time, the parties who were trustees for the time being, 1781, received into their chapel the person who was appointed by the yearly Conference to preach, they must take that person and deal with him, not merely upon what was the general expression in the trust deed, but they should conform to all the rules since from time to time enacted by the Conference, which all parties admitted to be the supreme legislative and executive body, and since then actually regulating the Connexion. Now, with regard to the right of the District Committee to dismiss a preacher who was appointed by the yearly Conference it appeared to be subject to some doubt. Nor was he surprised at that when he considered that the persons who drew up the various minutes of Conference were not professional persons accustomed to prepare for all the contingencies likely to happen, but simple, straightforward, intelligent men, who had in view only the exigencies of the moment. When it became necessary, by the death of John Wesley, who, during his lifetime, exercised an unlimited power and control over all the affairs, both spiritual and temporal, of the Society—when it became necessary to consider in whom that power should be vested. the Conference met together in 1791, when it was agreed to separate and divide into districts England, Ireland, and Scotland, and then the Conference framed the rule giving to the assistant or superintendent of a Circuit, power to summon the preachers of the district who are in full connexion, on any critical case, which, according to his judgment, merited such an interference; and that the said preachers, so many of them as could attend, should assemble at the times and places appointed by the assistant, and should form a committee for the purpose of determining the business for which they were called. They were to choose a chairman, and their decision was to be final until the next meeting of the Conference, when the chairman was to lay the minutes of the proceedings before the Court; provided, nevertheless, that nothing was done contrary to the resolutions of the Conference. In 1792 that rule was altered by giving the chairman authority to call a District Committee, but the chairman was not individually to interfere with any other Circuit but his own. The chairman was to send a copy in writing of the charges to the accused, and he was to summon the preachers of the district to attend. In 1793, another alteration was made relative to the case in which the chairman himself might be the party accused; in such case he and his accuser were each to choose two preachers of the district to form a Court. His Honour then read the 5th of the resolutions of 1794, to this effect:—"It is agreed that the management of the temporal and spiritual concerns of the society shall be separated as far as the purposes of peace and harmony can be answered thereby, or as they have ever been separated in times of the greatest peace and harmony, viz.—1. The temporal concerns shall be managed by the stewards chosen for that purpose, &c. 2. The spiritual concerns shall be managed by the preachers, who have *ever* appointed leaders. chosen stewards, and admitted members into, and expelled them from the society, consulting their brethren, the stewards and leaders." This passage, his Honour observed, seemed to reserve to the ecclesiastical part of the Connexion the fullest powers over ecclesiastical concerns. His Honour then read the Articles of Pacification of 1795, in which he said it was obvious the thing mainly had in view was the subject matters then in dispute in the society concerning the administration of the Lord's Supper, Baptism, &c. It was made a question whether the 5th of the regulations as to discipline, that "No preacher shall be suspended or removed from his Circuit by any District Committee, except he have the privilege of the trial before-mentioned," applied to all cases of suspension and removal, or to those cases only which occur in the document where this passage is found —that is, the four cases of a preacher being "immoral, erroneous in doctrine, deficient in abilities, or that he has broke any of the preceding rules." These were the four cases in which the laity, in conjunction with the preachers, were given jurisdiction over the ecclesiastics. It appeared to his Honour that the passage could only be interpreted as refer-

ring to those four cases. The mode of construction which would render this passage applicable to every case, was contrary to the received construction and application of the English language, and involved the blunder of giving by implication at the end of these rules a general power to the new tribunal of laity and clergy, whereas that power in the very outset was restricted to four enumerated cases—a blunder which no intelligent person competent to use the English language upon any subject could commit. His Honour then referred to the collection of Rules which the Conference in 1797 had individually subscribed, and which had been subsequently published in a separate pamphlet. This "Code of Laws" confirmed the view he had given, that the Plan of Pacification did not supersede the regular District Committee, for it contained the resolutions of 1791 and the two or three succeeding years respecting District Meetings; and he commented on some slight alterations in their phraseology as an evidence of the care which had been bestowed in harmonizing them. His Honour then read the passage from the address of 1797, on which so much stress had been laid:—"In short, brethren, out of our great love for peace and union, and our great desire to satisfy your minds, we have given up to you by far the greatest part of the superintendent's authority: and if we consider that the quarterly meetings are the sources from whence all temporal regulations during the intervals of the Conference must now originally spring; and also that the Committee, formed according to the Plan of Pacification, can in every instance in which the trustees, leaders, and stewards choose to interfere respecting the gifts, doctrines, or moral character of preachers, supersede, in a great measure, the District Committees—we may, taking all these things in our view, truly say that such have been the sacrifices we have made, that our District Committees themselves have hardly any authority remaining but a bare negative in general, and the appointment of a representative to assist in drawing up the rough draught of the stations of the preachers." It was quite impossible, he thought, that these articles could be understood, as was contended, as taking away all authority from a District Committee. The object was rather to make them more effective. Again, in 1829, the Minutes of Conference alluded to "certain novel interpretations of the laws and usages of the body," and recognised the articles of 1795, "as hitherto acted upon," which "taken together" with these laws and "usages," formed the code of the society. It appeared, therefore, to his Honour, moderately instructed as he was in the concerns of this society, that that which must be considered the governing body did, over and over again, recognise not only its laws but also its usages. There was no doubt that the District Committee had interfered in cases quite independent of morality. And if there was a case so constituted as not to fall within the limited jurisdiction of the mixed tribunal, the District Committee had a right to interfere. Then the question was, was there now a case in which its interference was warranted? For supposing there was a case, his Honour was of opinion there was no departure from formality to nullify the proceedings of the Committee. There was a complaint made by a particular individual. It was put into writing, and sent to the party accused. The President of the Conference was sent for, and the persons competent to form a District Committee were assembled with him. Now, it really appeared to him that though the Court did exercise its jurisdiction over trusts, yet it had no appellant jurisdiction over the local Court of a voluntary Society which had chosen to establish a tribunal of its own. And that he was not at liberty, even if he thought its decision wrong, to treat it as a nullity. But his Honour could not think that decision was fairly subject to the vehemence of charge which had been made against it. He did not think the charge of tyranny and violence had been made out against the Members of the District Committee. Fraud, of course, would vitiate any thing; but he did not think that body had come to such an unwarrantable decision, without addressing themselves to judgment under a violent gust of passion and prejudice, asto vitiate their proceedings. It was to be observed, that the matter which attracted the notice of the parties opposed to Dr. Warren, was the publication of a certain speech, which he had now before him, and which it was not immaterial to consider, when we recollect that it was a part of the complaint against the District Committee, that they excluded Dr. Warren's witness from the room during the discussion,—one was almost inclined to exclaim, in the language of a tribunal which was very much prejudiced "What need have we of any further witness?"—because they had the publication before them (his Honour, suiting the action to the word, help up the pamphlet before the audience) which Dr. Warren never attempted to deny, His Honour then said that he was extremely unwilling to speak with the least appearance of severity of a person whom, had he belonged to the Established Church, he should have been proud to consider in the light of a father, and whom, though not connected with the Establishment, he must still revere and respect on account of the high character which he had borne. But called upon as he was to exercise the functions of a judge, he must speak without respect of persons, and he must say he believed the speech of Dr. Warren contained passages which, whenever a calmer moment should arrive, that gentleman would be sincerely sorry he had uttered. His Honour must consider that it was the peculiar object of John Wesley "to spread Scriptural holiness over the land," and by means of a society volun-

tarily attached to him, to give an example of unblemished holiness emanating from the purest faith. In one of his earliest conferences, in 1744, John Wesley said, in his advice to preachers, "Speak evil of no one, else *your* word especially would eat as doth a canker." There was repeated notice of this evil in his exhortations to the preachers. In the minutes of 1792, it was said, "Expressions have been used by some, through a false zeal for their own peculiar sentiments, which were very unjustifiable. How shall we prevent this in future? *Answer.* No person is to call another heretic, bigot, or by any other disrespectful name, *on any account*, for a difference in sentiment."—And then in the directions to preachers in 1796, it was said, "Be tender of the character of every brother; but keep at the utmost distance from countenancing sin. Say nothing in the Conference but what is strictly necessary, and to the point. If accused by any one, remember recrimination is no acquittance; therefore avoid it. Beware of impatience of contradiction; be firm, but be open to conviction. Be quite easy if a majority decide against you." But, independent of the suggestions and exhortations of that eminent divine, on this subject, every preacher of the Wesleyan Methodist Society must be aware, that among the class of persons whom the great Redeemer of mankind had declared should be excluded from the kingdom of Heaven, the reviler was expressly named. Now it appeared that Dr. Warren published a pamphlet respecting the Wesleyan Theological Institution, in the beginning of which he used these words:—"I think it my duty to give the body generally an opportunity of examining the validity of the grounds on which I oppose this measure; to record my protest against it; and at the same time to set myself right with those who may have received impressions artfully circulated to my disadvantage for the purpose of prejudicing my cause, and rendering my statements unavailing." Then again:—"Towards the conclusion of the Conference, that individual (alluding to the Rev. Robert Newton) with an affected air of frankness volunteered the following communication to me." The expression "affected," applied to a gentleman of Mr. Newton's respectability and character, his Honour considered most unseemly. Again, in page 8 of this pamphlet, occurred the expression "the credulous secretary." And in page 9 there was the following passage:—"It was on this occasion that Mr. Bunting first presumed, amidst the surprised silence of the committee, to insinuate that I was under the influence of some mean—some unhallowed—motive in dissenting from my brethren; adding, in a tone and manner peculiarly his own, that my opposition was the 'most unprincipled which he ever knew,' subjoining, after a pause, 'and I speak advisedly.'" To use that expression to Mr. Bunting, "in a tone and manner peculiarly his own," was most indecent. His Honour was bound to admit, with Sir Charles Wetherell, that a great deal of this would go for nothing had it occurred in the squabbles of reviewers or the party violence of a debate. But he had to consider that Dr. Warren was bound by his profession to exhibit a calm and dignified patience even under injury, and however reproached, not to exhibit recrimination or insult to any human being whatever. There was one passage in one of Dr. Warren's pamphlets to which his Honour must refer, and for which he thought Dr. Warren would be sorry. He meant what was said in connexion with the name of the Rev. Mr. Taylor, a man whom his brethren had raised to the highest office in the Methodist body:—"Was ever a more complete piece of Jeffreyism played off since Judge Jeffreys went to his own place." Now it so happened his Honour lately had occasion to turn to the passage in which Dr. A. Clarke had shown such a singular exuberance of Christian love in his remarks upon the person, Judas Iscariot, to whom these awful words "to his own place," borrowed by Dr. Warren, were originally applied. Whatever might have been uttered by an inspired apostle having a commensurate knowledge of the future fate of a human being, it was not, continued his Honour, for us sinful, wretched mortals, with our fallible knowledge and feelings, to dare pronounce final judgment upon any poor human being. But, turning from these passages, when he considered what situation Dr. Warren held, and that it was generally deemed improper to make any statement out of Conference of what passed within, except such as was sanctioned by the Conference itself, his Honour felt convinced that no person could read that speech, unless his judgment were warped, without feeling that it went directly to create that very schism which might ultimately, he feared, be the destruction of the Society itself. There had been much special pleading upon the refusal to allow Mr. Bromley to remain in the Committee. His Honour did not see what necessity there was for a witness; it might have been better to let Mr. Bromley stay. However, his Honour could not but conclude here was a competent tribunal upon a case which might call for the exercise of its vigilant jurisdiction; that jurisdiction was exercised, and the judgment was that Dr. Warren should be suspended. This being the state of the case, he was called on by the Plaintiffs to say to the Trustees, that every act done by the District Committee was to go for nothing, and that they must look upon Dr. Warren as if no one of the transactions detailed had ever taken place. Before the Court took on itself to interfere in a case like the present, it must be satisfied there had been such a breach of the articles of the trust deed, as justified its interference. However other tribunals might differ from the opinion he now expressed, he

did not think such a case had been made out as would justify his interfering in the present instance. He had himself felt deep interest in the discussion, and in the importance that was attached to the decision of the question by all parties concerned. He hoped if he had said any thing at all painful to the feelings of Dr. Warren, that he should be forgiven by that Reverend Gentleman. He had made those observations solely from a sense of the duty he owed to the public, in the discharge of his official functions. He was heartily sorry for the necessity which had required him thus to speak. Had Dr. Warren been an ordinary individual, he should have read his pamphlet and passed over it without observation, but coming from an individual of his rank, station, and character in society, he could not help comparing it with that pure and elevated standard at which he ought to have aimed. Possibly the Conference would put an end to the dispute in the course of a short time, but all he would for the present say was that he had no jurisdiction to interfere. He could not conclude better than by addressing those present in the affectionate and earnest words made use of by their own Conference in 1795:—"O, brethren, be as zealous for peace and unity in your respective Societies as your preachers have been. Let the majorities and minorities on both sides exercise the utmost forbearance towards each other—let them mutually concede one to the other as far as possible—and by thus bearing each other's burdens, fulfil the law of Christ. Let all resentment be buried in eternal oblivion; and let contention and strife be for ever banished from the borders of your Israel."

The judgment of his Honour was listened to with profound attention, and at the conclusion there was a slight testimony of approbation given by those in whose favour his Honour had decided.

FINIS.

Printed by John Stephens, 153, Fleet-street.

# Stephens's Report

OF

# DR. WARREN'S CASE.

A

FULL REPORT OF THE PROCEEDINGS ON APPEAL

IN THE

## COURT OF CHANCERY,

ON WEDNESDAY, MARCH 18, THURSDAY, MARCH 19, FRIDAY, MARCH 20, SATURDAY, MARCH 21, AND WEDNESDAY, MARCH 25,

CONCERNING

## THE SUSPENSION OF DR. WARREN,

BY THE MANCHESTER SPECIAL DISTRICT MEETING, AND HIS

EXCLUSION FROM THE CHAPELS

IN OLDHAM STREET AND OLDHAM ROAD, MANCHESTER, BY THE TRUSTEES.

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London:

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# DR. WARREN'S APPEAL.

On Monday, March 9, Dr. Warren lodged an Appeal in the Court of Chancery, against the Decree of the Vice-Chancellor.

Court of Chancery, Saturday, March 14.

Sir. C. WETHERELL was anxious to know what course was to be pursued as to the motion about Dr. Warren and the Manchester Trustees. He was quite ready to go on with it then. That day had been named, though his Lordship had not positively stated that it should then be heard.

Sir W. HORNE said that he would throw no impediment in the way. If it suited his Lordship's convenience, his learned friend might proceed that morning.

His Lordship said that he had not meant to fix it positively for that day; he had said any day that was open.

Sir C. WETHERELL repeated that he was fully prepared to go on immediately.

Mr. K. PARKER observed, that it was a special injunction case, which was allowed to take precedence of all others.

His Lordship thought that no particular inconvenience would result from a few days postponement. The interest involved was not, he supposed, very considerable.

Mr. K. PARKER said the interest was considerable, and it was of that fugitive nature that delay would materially injure it.

Sir W. HORNE expressed his surprise that all that mighty array was made to support "a fugitive interest," or one, the value of which every day would lessen.

Sir C. WETHERELL replied, that the interest involved would soon be made to appear in a very different light.

Several other motions were pressed by various Counsel with an eagerness which occasioned much laughter.

Sir C. WETHERELL hoped that his Lordship would decide positively as to the day, or some other person would come forward with his bland and irresistible manners, and press another motion, so that he (Sir Charles Wetherell) would be defeated. (Laughter.)

After further conversation it was fixed that the motion should stand at the head of the paper for Wednesday, March 18.

Wednesday, March 18.

Sir CHARLES WETHERELL said that the present bill was filed by Dr. Warren, a preacher in the Wesleyan persuasion, against a gentleman of the name of Newton, and some other persons, in consequence of his having been removed from what was called the Manchester First Circuit. He was duly appointed to that Circuit by the annual Conference of Wesleyan Methodists, and was regularly discharging the duties of his office in the five chapels belonging to that Circuit, till he was removed from two of those chapels.

The LORD CHANCELLOR.—By whom was he removed?

Sir C. WETHERELL.—By persons who had no authority. By persons calling themselves a District Committee, who, as he trusted he should be able to show, by an assumption of power to amove Dr. Warren, had proceeded so to do. In consequence of that unwarrantable amoval, the two bills were filed which were then before the Court. As to the first case, Dr. Warren's title was founded upon a deed, dated 1781; and in the second, upon a deed dated 1826. Under those two instruments Dr. Warren claimed a title to exercise the duties incident to the preacher of the chapels entrusted to his care, for a period of seven or eight months, from the time of his being excluded up to the meeting of the next annual Conference. It was not necessary to refer to the history of the Methodists; his Lordship was, doubtless, from his general reading, acquainted with their principles, their history, and general economy. They concurred in the doctrines of the Established Church, though they differed as to some points of discipline, and as to the establishment of bishops, deacons, and so on. Before the death of Mr. Wesley, in 1791, many chapels had been built. A certain connexion had been kept up, between the ministers of the denomination and the lay portion of those who frequented their places of worship. During the life of Mr. Wesley they were governed by an uncertain species of government, much being necessarily confided to his wisdom and care by both parties. A body was formed called the Conference, composed of the preachers of the persuasion; one hundred of the seniors of whom being selected, formed, what by analogy he might call a convocation, though he was not sure that the Methodists would allow the use of that term. They held their meetings annually, and made laws, which were published in what were called Minutes of Conference. Those laws were more or less acted upon by the preachers and people within the compass of the Wesleyan Union. The Conference had appropriated to itself a right, which he did not presume to question, of appointing preachers to the various chapels in the Union Those chapels were erected and supported by the voluntary subscriptions of the laity, there being no funds for that purpose among the clergy as a body. Seven hundred, at least, such chapels, had been erected and supported by the laity; and it seemed, therefore, but natural, that they should have something to do with their management and economy. The Conference appointed the ministers, and the laws contained in their

Minutes were considered as binding both on the clergy and on the laity. Deeds were from time to time executed for those chapels, and trustees were appointed, who were bound to allow those ministers to preach in the chapels, who were from time to time selected by the Conference to perform those duties. Such being the state of the case, a preacher appointed under any of those deeds, had the same right and title under the trusts of those deeds, as any other person had to a civil right in any religious establishment whatever. It might be laid down as a general proposition, that where there was a religious establishment licensed and maintained, within the Toleration Act, a minister had, within that chapel, certain rights, particularly the right of using that edifice for the purposes for which it was erected. That had been laid down as the law; the Court had again and again acted upon it; and if Dr. Warren's title had been infringed upon, the Court had as much right to interfere in his case, as it had in reference to any other title whatever. The Wesleyans, perhaps, would contend that they were not Dissenters; but in other Dissenting institutions many of the ministers were appointed for life, and others for a given term of years. In the Wesleyan Union the appointment was for one year, in many cases for two years, and in some cases for three years. Dr Warren had performed the duties of the Manchester Circuit for one year, and he was in the course of performing them for the second year, when he was interrupted in the way which would presently be stated. Sir Charles Wetherell then called his Lordship's attention more particularly to the Deed of 1781, in which the property was conveyed in various trusts, the nature of which he stated from the Deed itself, as given in our report of the proceedings in the Vice-Chancellor's Court, reading emphatically what he deemed an important proviso,—that if any person, appointed by the yearly Conference, &c., should, in the judgment of the major part of the trustees for the time being, be an unfit and improper person, then they (the trustees), or the major part of them, should give notice, in writing, to the Committee of the Conference; and if the Committee of the Conference should neglect, or refuse to appoint another person within two months after such notice was given, it should then be lawful for the trustees, or the major part of them, to appoint such other person as they should think fit, until the next yearly Conference. Such, his Lordship would observe, was the power given to the trustees: there was not a word, not a syllable, about any District Committee. He then went on to observe, that the main question in both cases was the same, though the Deeds differed. He wished his Lordship to examine the Deed of 1826 In the Deed of 1781 *the trustees* had power *to amove* a preacher, and, if the Conference did not interfere *to appoint* another, the trustees might appoint another in his room; but a District Committee had no more power to amove a preacher than he (Sir Charles Wetherell) had.

The Lord Chancellor.—Who are the Committee of the Conference referred to in the Deed?

Sir C. Wetherell supposed that they were persons whom the Conference might think fit to name for the purpose. He contended that if Dr. Warren had been amoved, it had not been under the provisions of the Deed of 1781. In the year 1795 there had been published and promulgated, certain rules called "Articles for General Pacification." After Mr. Wesley's death, from year to year, as the Union became established, the congregations enlarged, and the whole Connexion more important, it became necessary to adjust the rights of the preachers on the one hand, and those of the lay members on the other hand. The laity, having supplied all the funds necessary for the erection and maintenance of the various edifices, justly claimed to have their rights considered; and accordingly that which heretofore had not been regular law—that which had partly been acquiesced in and partly not—was duly modified and given out in the Articles of Pacification, which in the lower Court he had taken occasion to call, the Bill of Rights of the Wesleyan Union. That bill regulated the duties of the Conference, of the preachers, and of the laity. The laity might properly say, "We don't like our preachers to be turned out at the will of their brethren, when we have found them acceptable and useful." Hence, after Mr. Wesley's exercise of his great and singular talents had ceased, together with that supreme, he might say, in a sense not improper, autocrat government which had been carried on with so much success during the life time of that distinguished individual, the Conference, meaning to give out a general law, instead of what was before disputed or allowed, ambulatory or conversational, promulgated what was thenceforth to be binding as to the amoval of ministers. The Deed of 1826 provided clearly for the appointment and amoval of ministers;—amongst other things it stated expressly that if it appeared to the majority of the Trustees, or of the Stewards and Leaders of the Society that the doctrine of any preacher was erroneous, or that he was immoral in conduct, or deficient in ability, then they were to proceed *according to the Rule in that case provided in the Rules of Pacification in the Minutes of the Conference, held in the year* 1795. So that, if the preacher were amoveable at all, he was amoveable according to the Rules of 1795. Nothing could be more positive than the terms of the trust. Sir C. Wetherell then said he wished his Lordship to observe that the right and title of Dr Warren to preach in the chapels of the Circuit, but especially in the two chapels in question, did not depend upon loose memoranda or floating recollections, but was clearly declared and fully provided for in two legal instruments. His right and title was to be regarded as flowing from, and as regulated by, those deeds. That was an argument which, in nine-tenths at least of what had been said on the other side, had been lost sight of. Lord Eldon, when cases of Dissenting or other places of worship had been brought before him, had observed that the only rule was the deed; *quasi* the question of religion, he had nothing to do with; *quasi* the clerical body, he had nothing to do with; it was only on the ground of the deed, and its rights and provisions, that the Court of Chancery had anything to do with the question. On the two instruments to which he (Sir C. Wetherell) had referred, he was sure he need not comment more at large: he claimed for Dr. Warren a title founded on those two instruments; and he contended that if Dr. Warren had done anything which made him amenable to any tribunal, he was amenable to a tribunal formed according to the express provisions of those instruments. His complaint was, that Dr. Warren had been cited before a *soi-disant* Committee, and that, by such illegal tribunal, he had been illegally amoved. Unless he had erred most egregiously in all that he had learned in that or in any other Court, he would undertake to argue, that, on those deeds, was

founded as good a right to the two pulpits in question, as any member of any corporate body had to the privileges of the body to which he was united under the provisions of its charter He maintained that in the mode in which the amoval of Dr. Warren had been conducted, there was a gross, a tyrannical departure from all the rules and regulations laid down in the legal instruments. He did not consider himself called upon to inquire what rules might have been in existence before; it was enough for him to know that the Articles referred to in the Deed of 1826 were the law of the Connexion.

Mr. ROLFE.—Yes; one Act in the collection of Statutes.

Sir C. WETHERELL.—Then, perhaps, his learned friend would allow him to ask, whether a subsequent statute did not annul a former one?

The LORD CHANCELLOR.—Certainly, if it be at variance, *pro tanto*, with the former one.

Sir C. WETHERELL.—His learned friends would, no doubt, state, that, before 1795, there did exist certain regulations as to District Committees, amoval of preachers, and so on. They would refer to the Minutes of 1791, 1792, 1793. But his Lordship was too good a lawyer not to know that the title of Dr. Warren was to be looked for in the Deeds. In 1791 it was stated that the Assistant of a Circuit —Dr. Warren was an Assistant. or as it was now called, Superintendent—should have authority to summon the preachers of his District, *on any critical case*, which, according to his judgment, merited such interference. Such preachers were to form a Committee for the purpose of determining concerning the business on which they were called, and their decision was to be final till the Conference &c. Now, his learned friends would argue, with their accustomed dexterity, that in 1791 Dr. Warren might have been tried in the way he had been tried on the recent occasion. But in that rule it was merely stated that the Superintendent of a Circuit was to call a meeting and so on ; — was the Superintendent, then, to try himself? The question was to decide as to what was a *forum competens* to try a man and remove him from his civil right; for it was as much a civil right as any other office or appointment could possibly be. How that Article of 1791 could be brought to bear on the present case, he could not conceive. Then, perhaps, his learned friends would refer to the Minutes of 1792, where it was said that if it appeared on just grounds to any Superintendent that the Chairman of his District had acted improperly, &c., that Superintendent was to call a meeting of the District Committee, who might proceed to try the Chairman if they thought it necessary, and suspend him till Conference, &c. But he (Sir Charles Wetherell) would be glad to know how his learned friends could get a *forum competens* to try Dr. Warren under that article. It applied to the trial and suspension of Chairmen of Districts; but, as to the case before the Court, it was inapplicable. Then 1793 might be referred to. His Lordship would observe, that the laws of the Wesleyan body were enunciated in a mode not very common to legislators,—that of question and answer. He did not know that it was a bad mode, because, if a man put a plain question as to a particular case, and a plain answer were given, the rule thus formed might be clearly understood. It was asked, " Shall any alteration be made concerning the exercise of the office of a Chairman of a District?" Now, Dr. Warren was not a Chairman of a District. He was a Superintendent, a sort of archdeacon ; though he supposed he must not use that term;—he was a sort of dignitary of the church. (Laughter.) Then provision was made, that if any preacher were accused of immorality, he and his accuser were respectively to choose two preachers of their district, and then the Chairman of the District was, with the four preachers chosen, to try the accused preacher, and to suspend him, if guilty, till the Conference. Why, his learned friends should mark that rule with a large asterisk, and in red ink. Did they find in that rule any power in a District Committee to turn a gentleman, an accredited preacher, out of his chapel, as the District Committee at Manchester had turned Dr. Warren out? No such thing! If the preacher were accused of *immorality*, four preachers and the Chairman were to try him, and to act according to their belief of his guilt or innocence. Had such a *forum* been constituted? It was said to Dr. Warren, " You have published a pamphlet ; in so doing you have been guilty of immorality,"—(for if that were not the accusation, he (Sir C. Wetherell) did not know what it was,)—" you shall be tried by a District Committee.' Was that the rule of 1793 as to cases of immorality? But learned gentlemen said, " Oh, but in 1791, a different mode of trial was appointed." It might be so ; but, if that law did exist, they had not followed that rule when they prosecuted, or rather persecuted, Dr. Warren. Supposing that a co-existing tribunal might legally have tried and amoved Dr. Warren, they had certainly not so proceeded. Having stated what was the law, as to the trial of preachers in 1791, 1792, and 1793, and found it to be somewhat lax, he passed on to 1794, and there he found a law, which, instead of rendering the regulations more arbitrary and confining their execution to the clerical body, rendered them more liberal and generous in their application. In that year he found, for the first time, that the *lay-members* were made co-judges with, and co-members of, any court before which any preacher was to be arraigned, and by which he was to be removed. The reason of that law was evident: the lay-members, who contributed so largely to the erection and support of the chapels, did not like to see a preacher of talent, and of great usefulness, removed, through the envy or caprice of his brethren in the ministry. The thousands of persons who formed the congregations of the chapels, might well object to the arbitrary interference, by which one of their most competent ministers might be suddenly removed. Hence, the laity were made co-ordinate judges with the clerical body in trying or amoving any preacher. In 1794 it was said, " in order that the Trustees might have the fullest assurance that the Conference loved them," three articles were proposed, one of which was, that " if any preacher were accused of immorality, a meeting should be called of *all the Preachers, Trustees, Stewards, and Leaders* of the Circuit in which the accused preacher laboured ; and if the charge were proved to the satisfaction of the majority of such meeting, the Chairman was to remove the convicted preacher from the Circuit," &c.

The LORD CHANCELLOR inquired what was the charge preferred against Dr. Warren.

Sir C. WETHERELL replied, that *that* was what he wanted to know. He had been called " *an unprincipled man*," for publishing a book reflecting, as he (Sir C. Wetherell) believed, upon the character of Mr. Newton. (" No no," from several persons near Mr. Newton.) He supposed it

was considered as libellous; but a libel he believed was *contra bonos mores*. Now, the rule of 1794, to which he had just referred, made *laymen* co-ordinate judges in the trial of every minister. First, there were the preachers, the clerical body: then followed the trustees, the stewards, and the leaders who were all laymen. And it seemed to be nothing but common sense to allow the *trustees*, who held the chapels, and were so responsible, to form part of a tribunal before which the ministers of those chapels were to be cited. Then as to the *leaders:* they were not leaders in the sense in which his learned friends were accustomed to hear the term employed; these leaders were not such as Sir John Campbell or Sir James Scarlett were in the *Nisi prius* Courts of the Midland or other circuits. (Laughter.) No; but those leaders were persons of experience, of wisdom, of wealth—the *magnates*—the *probi homines* of the respective circuits, who were justly entitled to a share in the administration of justice. Before the four classes of persons enumerated, were the preachers to be tried. And that regulation was adopted to produce peace and harmony in the circuits. That was one of the earlier statutes on which he rested. He might object to any regulations made anterior to the Articles of Pacification referred to in the Deed, but he would admit them for the sake of argument. If he were to take things *in pari materia*, and to apply analogical reasoning, borrowed from the common law of the land, to the written law of the Wesleyan persuasion, which in some cases he should very likely protest against, but for the purpose of his argument had no objection to—if he must look at earlier statutes—if the law of 1794 must be admitted; then he would observe, that it stated in general, in comprehensive terms, in the largest terms which could be used, that the *forum competens* was to consist of four classes, three of which were, of necessity, *laymen*. Here he might close his argument; and it was only because gentlemen on the other side would not argue the case as lawyers, that it was necessary for him to proceed. He came then to the *Articles of Pacification*, in which the law was promulgated in a more general manner, and with greater form and ceremony than any of the preceding, showing plainly that it was intended to be the standing law; for what said the Conference? "We state to you what has been done in our present Conference, *in order to establish a general and lasting peace and union throughout our Connexion.*" "We felt confident that a solid foundation would be laid, for *lasting peace and unity.*" An Addenda was then made to the Articles, "in order," as the Conference said, "*to give the completest satisfaction, and to remove every obstacle to a lasting peace.*" It was to put an end to the animosities which existed, and might well now exist, if a preacher who might happen to be the best qualified, the most honoured and useful in his circuit, was to be removed from congregations of two or three thousand persons at the mere caprice of his fellows, or simply because he had excited their jealousy or displeasure. Those regulations had been made, the Conference said, "that a solid foundation might be laid for lasting peace and amity." Now, though the Conference had absolute power, he could not allow that it had a right to legislate one way to-day, and another to-morrow; but, even supposing, for the sake of argument, that they had such a right, still he would say that the laws of 1793 and 1794 were the legal rule till they were altered. Then, in 1795, the Conference, in order to produce lasting peace, and give the most complete satisfaction, promulgated the Articles of Pacification. The learned Counsel here read the *second* Article, and then asked his Lordship what he would say to a *forum*, in which the Trustees, Stewards, and Leaders, *ought* to be by far the majority of the meeting, but in which *not one of such persons was present?* Instead of the second article of the rules of 1795 being a departure from that of 1794; instead of its going back to the principle of having the meeting composed of *clerical* members only, it stated with all possible precision what he had read to his Lordship. In that article the District Committee was introduced for the first time. After the majority of the Trustees, Stewards, and Leaders had judged it proper to try a preacher, and had exercised their power in voting his removal, then the District Committee might name another preacher to supply his place. The power to try being exercised, and sentence of *guilty* found, then came in, consequently from, and as an emanation of, the other, the District Committee, and, *sede vacante*, claimed and exercised their right to name another minister. But, unless a man's head was as confused as confusion itself could make it, could it be supposed that the District Committee, before the other members of the Court had performed their office, could clothe themselves with arbitrary power, first to try, and then to amove a preacher; and then further, by a comical coincidence, put one of the judges in his place! First, the pulpit was declared to be vacated, and then one of the judges mounted up the stairs and took possession! (Laughter.) It was further provided, that, if the District Committee did not appoint a preacher within a month after the removal of the convicted preacher, that then the majority of the Trustees, &c., might appoint one. The District Committee was to commence the exercise of its powers, after the *forum competens* had exercised its functions; the latter having done its duty, it was then proper for the District Committee to interfere. The *third* Article provided for the suspension of any preacher who was guilty of contumacy; and then it was added, that if any Trustees expelled from any chapel, a preacher, by their own *separate* authority, the preachers appointed for that Circuit should not preach in that chapel till the ensuing Conference, or till a trial took place according to the mode before mentioned. On that article, an argument, not an immaterial one, might be founded; the principle being that the clerical party were not to have the *sole* power, and *vice versa* that the Trustees, &c., were not to act *alone*. Then the *fifth* Article provided that no preacher should be suspended or removed from his Circuit by any District Committee, unless he had the privilege of such trial. He thought all the preceding articles perfectly clear, and did not, therefore, need article five to be added to them. At least, he did not want such comments upon it as had been made by his learned, statute-loving friend, Rolfe. In the preceding articles, he (Sir C. Wetherell) found all that he wished, and therefore he did not need the negative rule to be added. Gentlemen on the other side would have it, that the rule, the negative rule five, belonged to them. Mr. Rolfe especially, had contended that the negative clause had a power which was exceedingly curious. The preceding article spoke of four cases, and stated how they were to be dealt with. "Ah! but," said his learned friend, "we have got hold of a case which is not to be so dealt with. We will try Dr. Warren by another rule: he has committed an offence which does

not fall within the compass of the certain Court. The District Committee exists for the trial and punishment of such offences, and to that alone the case belongs!" It was very singular, that the framers of the fifth Article, who seemed to have taken so much pains, should have left their work in so loose a form as, that fiction, or fancy, or imagination, might finish it in any way they thought proper;—that, after having drawn up a complete code, applicable to all instances, they should add one article, illustrated by no example—confirmed by no rule—regulated by nothing at all!—that they should tell us, that a man may be tried for four cases according to a certain mode, and then add a rule for what nobody knew any thing about! Mr. Rolfe had said, that he would only read the article as applicable to the four cases enumerated just before: those, he said, were the topics of which the mixed Court could take cognizance. The cases of immorality, heterodoxy, incompetency, and neglect of discipline, fell within the rule, and might go before the mixed tribunal; but for other, and undefined offences, the preacher must go before the District Committee. For some offences he was to be tried by a well-defined court, according to certain rules; for others—for fictitious cases, he was to be tried before a different tribunal, and by a different process. One court for the immaterial offences, and another for the *graviora crimina!* The object of the Articles of Pacification, and especially of the Rules to which he had more particularly referred, was, as he imagined, to cut down the power which the clerical body seemed to have possessed alone, and to unite the laity with it, in the exercise of judicial functions; and if they were to be construed according to their legal, or their grammatical construction, allowing to the preachers and the laity each their own proper rights, he could come but to one conclusion, that the meaning of the language was as manifest as words could make it. His learned friend, Sir W. Horne, had, in the Court below, dealt with the subject till half-past three o'clock, and then found himself in a difficulty from which he could not escape. His friend Rolfe, however, came up, and said, "I will help you out of this difficulty." The *second*, the positive Article, applies only to the four cases which are there enumerated, to immorality, &c.; and *fifth*, the negative article, applies to just the same thing! (Laughter.) The great, the elephant topic, was nothing; the undefined, the fanciful, was all important. There was no court competent to try the *grave crimen*, but for the *leve crimen* there was a *forum competens!* The District Committee, composed of as many of the clergy as they themselves might think fit, might meet when and where they pleased, and try the preacher for that for which he could not be tried by the mixed court. Such were the reasonings of his learned friends! He entertained the highest personal respect for them, but he was not placed there to compliment them, or to approve of arguments which he believed to have no foundation either in law or in common sense. He could not agree with what had been done in the Court below. He did not think that what Dr. Warren had published *subsequently* to his trial and amoval, ought to have been brought forward in evidence; and yet on those subsequent publications, the propriety of what the District Committee had done as to his trial and amoval, had been vindicated. Mr. Rolfe had said, I will have this thing looked at as a statute. Well, he (Sir C. Wetherell) would look at it as a statute. He would have the Articles of Pacification looked at as the *lex scripta* of Methodism. That was his argument. Then he would refer to the deeds: the Deed of 1826 made the articles of 1795 part of the deed itself, and that not by reference, but by *explicit recital.*—Sir C. Wetherell read again that part of the Deed in which the Articles of Pacification were expressly named, and remarked that by being thus embodied they were as much in force as if they were there *in extenso*. Indeed, part of those articles were in the deed *in extenso*. If, therefore, he were to concede that it was doubtful whether the rules of 1791, 1792, 1793, could be made to set aside the rules of 1795, that question would be at once decided by the Deed:—that was the law by which the preachers, by which the people, were to be regulated. But, said the analogous lawyers, the men that reasoned upon statutes and upon negative provisions, the rules of the various years all go in the same strain. He had called the attention of the Court to the *lex scripta;* he would now inquire if there was any subsequent statute which had cancelled the law of 1795. In 1797, the Conference met at Leeds, and what said they? "Out of our great love for peace and union." Now, if he wished for a reiteration of the articles of 1795, which he did not, he should find it in what he had just read. It stated that the Committee was to be formed *according to the Plan of Pacification*, and that the District Committee was cut down to nothing, so that it had *hardly any authority remaining*. Cut down to nothing! why, it could summon a Court which had long had, which still had, and which would continue to have, a co-existent power, and which might act as it had done in 1791, 1792, and 1793! So it might be said, but it was added, that it would supersede, in a great measure, the regular District Committees. Thus he had read from the Minutes of the Conference which composed the *lex scripta* of the Connexion, the state of the law in 1795, and since abundantly confirmed, and shown also, that even before 1795 there was not a syllable warranting the power which had been exercised by those who had amoved Dr. Warren; and his conclusion from the whole was, that the articles of 1795 were the law at present. He then came to the consideration of the circumstances which led to the removal of Dr. Warren. It appeared that, in the year 1833, a plan was proposed to the Conference for an institution for the purpose of superinducing on the persons intended for preachers among themselves, a peculiar system of their own; a Theological Institution for the instruction of their junior preachers. The principle of such an institution appeared to him (Sir C Wetherell) to be a considerable departure from the notions of the founder of the sect; but that was neither here nor there. A committee was appointed to take the matter into consideration. Dr. Warren was one of that Committee: he objected to the plan, and, as it turned out, he was the only dissentient. He might be right or wrong in his views; but it was quite competent to him to object to what he conceived to be improper, as he had been a member of the body, and even of the Confereuce, for many years. The Committee made their report to the Conference, when Dr. Warren claimed to be heard. Some preachers objected to that, and he insisted on his right to speak. As his opinion was not on the same side of the question as the opinion of the majority, he had much difficulty in obtaining a hearing. At length he succeeded in making his speech, and had thirty-one of the preachers voting with him. He (Sir C. Wetherell) did not know

what constituted a *respectable* minority in that assembly; but, if there were thirty or more on his side, a man of nerve might venture to insist on delivering his opinion. His Lordship had asked for what crime Dr. Warren was to be tried. He (Sir C. Wetherell) also asked the same question. What name had it in the common law? Was it felony, or misprision, or misdemeanour? What was the *corpus delicti* of which the culprit was guilty? Why, he objected to the formation of an Institution to which many of the members of such a body might reasonably object. The speech which he had delivered in part at the Conference, he afterwards published:—that was the *corpus delicti*. The Conference was held in London; he could not therefore tell why persons should go *to Manchester* to try the merits of that act. If Dr. Warren had offended the Conference, why did not they take up the case? In the lower Court, he had stated the case of Dr. Sacheverell; that clergyman offended the House of Commons by some sermon that he preached, and the House proceeded against him; why, on the same principle, did not the Conference call Dr. Warren to account, if any offence had been committed against them? He did not know whether that body had any power to proceed by any thing like a bill of pains and penalties; but, if such power did exist, it must be in the Conference. Dr. Warren published his pamphlet, and certain persons at Manchester determined to call him to account for so doing. He (Sir C. Wetherell) had read the pamphlet over, and certainly he did not find any thing objectionable in it. His learned friends must make out that Dr. Warren had committed a crime; for, if he belonged to the body, he must be tried by some certain law, and that law must have reference to some certain crime. Dr. Warren was re-appointed by the Conference of 1834 for a second year to the Manchester Circuit. Being a member of that Conference, he had a right to attend its sittings—to make a speech, and to print it; there was nothing that he was aware of in the *lex scripta* which forbad any man to do so. But for the offence of publishing that speech, he was convened, not as common sense would have dictated, before the Conference, who were the only proper persons to arraign him, but before what was called a Special District Meeting. A copy of the charges was sent to him enclosed in a letter from the Rev. Robert Newton, the Chairman of the Manchester District. The President of the Conference was sent for to preside, the Speaker of the Conference, the gentleman who filled the Chair. The Court was composed, therefore, of the President of the Conference, Mr. Newton, the Chairman of the District, Mr. Anderson, whom he would term the relator (laughter), the gentleman who gave notice of the offence of publishing the pamphlet committed by Dr. Warren, and some others. The President was sent for, he supposed by the *Manchester Telegraph*; and, having telegraphed himself down, he, with the Chairman, Mr. Secretary Crowther, and some other clerical gentlemen, concocted the District court, and the charges were preferred. He must still be permitted to ask what the pamphlet was called, and what crime the publication of it constituted. It appeared to be some undefined thing—something like what some of the ancient courts inflicted the extreme penalty of the law upon a man for, called *incivism*. The pamphlet related to a plan of education for the preachers: that education had theretofore been a voluntary thing in the Connexion, and differences of opinion might innocently be entertained respecting it. It was said that the principles contained in that publication were adverse to the essential principles of the Connexion; though there were thirty-one preachers who sanctioned the views of Dr. Warren at the annual Conference. If, then, Dr. Warren had committed any offence, that was the sum and substance of it. The Doctor attended the meeting so called and constituted. A gentleman of the name of Bromley was present, who whispered to Dr. Warren; which whispering his judges said was contrary to rule.

Mr. KNIGHT.—There is no such rule: it was made expressly for this case!

Sir C. WETHERELL.—His learned friends said that Doctor Warren submitted to the jurisdiction of the Court; but the fact was that he repudiated the jurisdiction; and, when Mr. Bromley was put out of the room, he said at once that he would have nothing more to do with the Court. Then they proceeded to try him for contumacy. There was formerly such a thing in the ecclesiastical courts as a writ *de contumaciæ capiendo*: that clerical Court issued such a writ; they shut him out of the chapels to which he had been legally appointed, and compelled him to seek redress in the Court of Chancery. Subsequently, Dr. Warren had written a letter, objecting to the tribunal, and declaring his determination not to be tried by it. They then removed him from his office; and Mr. Newton, one of his judges, took his place. The Chairman, with the assistance of Mr. John Anderson, made up a court—the sentence was pronounced—the Doctor was prohibited; and, as he was jilted from the saddle, Mr. Newton mounted the steed. (Laughter.) From that time he was ejected from the chapels to which he had been appointed, while upwards of 2,000 persons declared that their rights were invaded—that their feelings were outraged by the removal of a preacher who had long been known to them—who by his morality, great learning, and zealous exertions, had acquired their respect—to whom they were attached, and who might still have been ministering to them in the five chapels of the circuit, but for the arbitrary interference of that District court, as to an offence not more clearly defined than what was formerly called *incivism*. If the Conference conceived Dr. Warren to have been guilty of an impropriety, they were the persons to have animadverted upon his conduct, had they thought proper. But Mr. Newton, Mr. Anderson, and those other gentlemen, had called a court, in which there was no Trustee, no Steward, no Leader present, and followed it up—he would not say by a breach of Christianity—but by a violation of decency, making one of the judges to step into the vacated office. And all that had been done for what could scarcely be called an impropriety! A court had been convened *coram non judice*. Dr. Warren was not bound to go before such a court: but, having gone, and seeing that his only friend was not permitted to remain, he soon went away, declaring his determination to have nothing more to do with them. They then followed up their illegal, arbitrary proceeding by suspending, and subsequently by amoving, him. He (Sir C. Wetherell) again asserted, that, if before 1795 there had existed a law by which such a meeting could have removed Dr. Warren, it was put an end to by the law of 1795. He could not fully accede to the principle that the Conference had a legislative power to alter rules after deeds had been founded upon them, but he contended

that they had not done so: he had taken up both the positive and the negative articles, and had discussed them, he hoped, successfully. But it was said that there were many cases in which clergymen of the Union had *de facto* submitted to such tribunals: he did not care if there were five hundred such cases, or if there were as many thousands as figures could express: he had nothing to do with persons who chose to be so tried. It might be that many of the persons in question preferred to let the matter pass *sub silentio;* it might not be prudent to bring the cases forward; but such cases could not be brought to bear on a case like that before the Court. The case was of great importance: it affected five or six hundred deeds of chapels, in all of which was a reference to the Articles of 1795. Nor did the case apply to Dr. Warren alone. That gentleman had certainly a right to vindicate himself when his character was assailed. It was his duty as a gentleman of high character and feeling, to have recoiled from and resisted this unjust attack; but the laws of 1795 were made to prevent any arbitrary removal of a preacher, and every preacher had an interest in the proceedings. When, therefore, he was told that there had been instances of trial and suspension by such courts, perhaps for intoxication, or other acts of immorality, and that the individuals had submitted to such jurisdiction, his answer was, he did not choose to submit; the submission of nine hundred and ninety-nine was nothing to the one who chose to object. Sir C. Wetherell then referred to the case of seizure of papers, to which he had before called the attention of the Vice-Chancellor, in which Lord Camden had decided, that, though there had been the usage of a century, though a hundred cases had been produced in which the writs of the Secretary of State had been executed though, returns upon such writs had been made to the Court of King's Bench; yet, when a man came and said, I have nothing to do with usage, I will go to the law, Lord Camden decided that the person was not bound to submit if he thought proper to object. In point of law, the cases which had been cited had no authority. If a man were tried at a Quarter sessions for forgery, and were convicted and executed, and another person so charged were to say, You have no right to try me at your court for such a crime, what would it avail for the court to say, We have tried such cases here before! It would be answered, You have no jurisdiction in *my* case, because *felony* is not in your commission. No prescription had power to set aside a specific law. In conclusion, Sir C. Wetherell hoped he should not be considered as having unnecessarily consumed his Lordship's time, or as having gone beyond the line which it was prudent to adopt. He would observe that Dr. Warren had, since his suspension, published another pamphlet, which his learned friend had animadverted upon in the other Court.

Mr. KNIGHT.—And which was commented upon at some length by the Vice-Chancellor.

Sir C. WETHERELL said that perhaps he ought to have objected to that pamphlet being read. Dr. Warren had been called an unprincipled individual, and he had measured expressions with his adversaries; but what all that had to do with the right of the Doctor to preach and to perform the duties of his office, he was at a loss to know. It was, however, remarkable to observe, that a great part of the judgment of the Vice-Chancellor was founded on what the Doctor had said *post facto*, and not what was part and parcel of the original offence. Lord Eldon, in cases like that before the Court, had said, that where certain laws were made part of a Deed, they must be looked at as every trust Deed was looked at; they must be governed by the same rules, and the same principles must be applied to them. That was the only ground on which the Court had any jurisdiction concerning chapels erected under the provisions of the Toleration Act. In the case before the Court, he thought it was evident that to gratify some personal pique, Dr. Warren had been brought before that arbitrary tribunal, and ejected from the pulpits to which he had been duly appointed. He was sorry to observe that in the Court below *no one principle by which the case ought to have been looked at had been attended to.* The whole of the proceedings adopted in reference to Dr. Warren were a perfect nullity. He maintained that under the deeds of the chapels certain rules existed by which to remove preachers who deserved to be removed; that Dr. Warren had not been removed according to the rules laid down in those Deeds; that, according to those Deeds, there did exist a *forum competens* to try him; that the forum had not been so formed; that, therefore, all its acts were a perfect nullity; and, in conclusion, that it became the duty of the Court of Chancery to replace Dr. Warren in his trust title.

Mr. KNIGHT followed on the same side. The case, he thought, lay within a narrow compass. Disputes had arisen, as they sometimes did in private life, which had, perhaps, been conducted less meekly than in ordinary cases. Two persons of different statures and constitutions met together; they got into an argument; the little man had the most of the argument, the great man could not answer, and therefore knocked the little man down. (Laughter.) In the present case, Dr. Warren had been writing pamphlets, the other party could not answer him; and therefore they suspended him from performing duties, in the discharge of which he was so much their superior. The question for the Court to consider was, whether there was *law* to try that, the *motive* for trying which was so very evident. Mr. Knight then remarked that the two chapels in question were held by two Deeds, the dates and provisions of which he stated in terms similar to those employed by the preceding counsel. It was admitted, he said, on all hands, that Dr. Warren had been, and, if he had not been legally removed, was still, the regular stated minister of those chapels, and was entitled to remain so till the ensuing Conference, to be held in July or August next. The question was not one in which Dr. Warren alone was interested, but which concerned the vast body of which he was a member. It was a question deeply interesting to the feelings of many; but it was also interesting from another consideration, in reference to which that Court often interfered; namely, that it touched the pocket. (Laughter.) A great portion of the support of the preachers, and other matters, was derived from the pew rents; in that respect, therefore, it was of great importance who was the preacher, as well as on a variety of other considerations. Whether right or wrong, it was a fact that the present dispute had been followed by an enormous secession of the laity. (Some expressions of dissent by Mr. Newton and his friends.) The case was one in which the parties who were injured had a right to seek for redress in that Court. Dr. Warren had been the lawful minister of the chapels in question; he

had been displaced; and the question was, whether the persons who so meddled with his lawful existing title had any authority to do so; whether, in fact, he had been legally removed. No charge of immorality had been preferred against him. Indeed, the case was one which was more usually tried in Paternoster-row, than in such a Court as the present. (Laughter.) He was not accused of want of orthodoxy. He was not charged with deficiency of ability;—perhaps, had his ability been less, he might not have been charged at all. All that could be found against him, were some loose charges handed in by Mr. Anderson. He had been tried, not on evidence, but without proceeding to examine evidence, on the ground of contumacy. Evidence there had been none: conviction there had been none: but he was suspended for not taking his trial before a court which was not formed according to any written, to any published, rule, nor even according to any proper construction of usages. The Judgment of the Vice-Chancellor from which Dr Warren now appealed, consisted, in part, of a large commentary on the existing laws of the body, and his Honour then argued on the *usages* alone, with the object of showing, that they warranted the formation and existence of such a tribunal. Mr. Knight then read some extracts from the affidavits on the other side, *the affidavits of the judges themselves*, as he remarked with emphasis, stating the circumtances which led to the proceedings in reference to the alleged trial and suspension of Dr. Warren. After giving a brief narrative of the preliminary steps taken by the preachers, and the formation of the court to try Dr. Warren, the deponents stated, that "*while the meeting was preparing itself to hear evidence and reasoning in support of the charges*," and so on;—so that, without actually hearing any evidence; having now arrived at that stage of the proceedings when it was said that they were *preparing* to receive evidence; they objected to the Doctor interchanging a whisper with his only friend, and they determined that he should remain there alone. The Doctor then refused to stand a trial before them; and the matter being thus broken off, they afterwards suspended him by their resolutions. What they called a Special District Meeting, but which was not the regular District Committee, took upon them to suspend not only a brother minister, but a Superintendent of a Circuit. Then Mr. Newton, who was one of the judges, became the occupant of Dr. Warren's pulpit, and the Superintendent of Dr. Warren's Circuit! The judge succeeded to all the rights of the accused:—a bad conclusion, but certainly not worse than the beginning! (Laughter.) The question was, whether the preachers had power to act as they had done: and he denied that there was any law which authorised them so to do. They stated that they proceeded on the laws of 1792 and 1797; but he denied that there was any law, written or recorded, which allowed of their calling any such Court as that which had been called at Manchester for the purpose of trying Dr. Warren. Mr. Knight then read the regulations of 1792, in which, though power was given very specifically and clearly as to the removal of a Chairman of a District if guilty of any misdemeanour, yet no authority was given which authorised the removal of a Superintendent, nor any power beyond that of calling a meeting to examine into a charge. The previous regulation of 1791 concerning the management of the Districts was also cited by the learned Counsel, who remarked, that it only gave authority to the Assistant to summon the preachers *on any critical case*, but contained no rule which could apply to what had been done in Dr. Warren's case. The rule of 1793 was also considered, and it was shown that the tribunal at Manchester was not conformable thereto. Then followed the rule of 1794, which Mr. Knight read, and asked if it was intended to be asserted that it was to subsist contemporaneously with the law of 1793. It certainly was most reasonable that the laity, who were so zealous in contributing the funds of the Society, should have provisions introduced into the laws for their benefit and protection. And if the rule of 1794 was made for the mixture of *lay and clerical* members in one tribunal, how could it co-exist with a tribunal before composed of clerical members only? He then came to the Articles of Agreement for General Pacification drawn up in 1795. It had been confidently asserted that those Articles were only intended to provide for the due administration of the sacraments of Baptism and the Lord's Supper. Of the nine preachers who drew up those articles one only, Mr. Moore, was alive, and he had expressly stated what was intended by those articles. He (Mr. Knight) was convinced that his Lordship could only look at the documents without regarding the opinions of individuals as to the intentions of those documents; but still it was worthy of remark, that the only surviving individual of the preachers who drew up the articles should have stated the express intention of the framers as well as of the articles themselves. (This very important affidavit will be found in another part of the proceedings.) The articles were divided into two sections; the *first* concerned Baptism and the Lord's Supper, the *second* were "*concerning discipline*." He ought to apologise to his Lordship, perhaps, for noticing the arguments which had been adduced on the other side; and which appeared so contradictory to common sense; namely, that the articles were made entirely in reference to the administration of sacraments. The articles were prefaced by a catholic epistle, which stated that their object was "to *establish a general and lasting peace and union* throughout the Connexion." In the first article, a prohibition was imposed on the laity which was to operate as a salutary check on the voluntary system, and which prevented them from expelling a preacher of their own power. "Nevertheless," it went on to say, in the second article, "if the majority of the trustees, &c., believe that any preacher appointed for their Circuit is immoral, &c.," the very words of the rule made by the preceding Conference—then he was to be tried before the mixed tribunal there described, and to be dealt with according to the rules there laid down. That was clearly the law which regulated the trial and suspension of preachers.

Sir W. HORNE.—Yes! "in any of the cases mentioned as above."

Mr. KNIGHT.—"The cases mentioned above!" Oh, it was true, the article did not mention the case of wearing a green coat upon a Wednesday, or any such matters. (Laughter.) Then followed the article which declared, that no preacher should be suspended or removed from his circuit by any District Committee, except he had the privilege of the trial before-mentioned. There the article ended; and he should hardly have thought it possible for ingenuity itself, to have suggested any

difficulty as to the construction which was to be put upon it. The whole articles considered together appeared most salutary for all parties:—*the laity* were not to be left to their own ignorant and wilful government without any check, they therefore were prevented from removing any preacher of good character on their own sole authority. So, on the other side, *a preacher* of talents, of experience, of acknowledged excellence, of great usefulness, was not to be ejected, because any of his brethren, through envy, or jealousy of his talents, or because he entertained views and opinions which were opposed to theirs, might think proper to constitute themselves into a tribunal, and by arbitrary and despotic acts attempt to remove him. Much stress was laid upon the expression, "the cases above mentioned:"—but those cases might be said to include all: the framers did not think of naming any other cases, because it probably occurred to those holy, spiritual men, that, if a preacher were not immoral, if his doctrines were not erroneous, if he was not deficient in abilities, if he had not broken any of the rules they had just laid down;—they did, most likely, think that such a man ought not to be removed from his Circuit. And yet, how much did his learned friends seem to rest upon the phraseology employed in those articles! All parties had shrunk from the very idea of attacking Dr. Warren's moral character,—that they had pronounced to be unimpeachable:—they did not question the orthodoxy of his doctrines:—he certainly was not deficient in abilities, it might have been well for him had his abilities been less: no one attempted to insinuate that he had not attended diligently to the duties of his Circuit. But because he had done or said something at which some of his brethren, the preachers, had taken offence, they proceeded to try him: and, though if he had been guilty of some gross act of immorality; if he had been intoxicated in the pulpit; if he had committed some heinous crime; though, even then, they could not *of themselves* have removed or suspended him, they had summoned him before them; had prepared to try him; and had subsequently suspended him, because he would not consent to their arbitrary proceedings. The arguments which had been employed by his learned friends were too absurd to encounter. The preachers *of themselves* had not power to remove a preacher for immorality, for want of orthodoxy or talent, or for laxity of discipline; but, for wearing a coat of a particular colour; for going to a concert; for indulging in some of those things which he, (Mr. Knight,) and most members of the church to which he belonged, might deem perfectly innocent, but which others might choose to regard as crimes: for those and other equally sufficient causes, the preachers *alone* might arraign, and suspend, and remove him! So, on the same principle, if a clergyman of the Established Church, thought proper to dine with the Squire on a Sunday, and his clerical brethren in the neighbourhood thought that to be inconsistent with the lugubrious observance of the Sabbath, they might prefer a charge against him; and his congregation when they repaired to the church on the following Sabbath, instead of a Dr. Warren, might find some one of the clergymen who had tried and removed him, in the pulpit. (Laughter.) It was, he must repeat it, absurd to imagine that for what his learned friend Sir C. Wetherell had called the *graviora crimina*, for immorality, for want of orthodoxy, for want of talent, for breach of discipline, the *preachers alone* had no power to remove him, and he could not be removed but by the *mixed tribunal;* while for some trifling, some undefined, some imaginary offence, they might remove him, and remove him contrary to the views and wishes of those who felt most interested in the preacher, and who most liberally contributed to the support of the chapels. The full scope of the Articles warranted the conclusion that neither the laity alone, nor the clergy alone, should have power to remove a preacher. And that was common sense: the purely voluntary system, was not so to operate on the one hand as to give the Trustees, &c., power to exclude from the pulpit a preacher, merely because he might boldly attack their prevailing vices: nor were the preachers arbitrarily to remove him from his Circuit, merely because he was conscientiously opposed to some favourite scheme of theirs. When Mr. Wesley was removed by death, it could scarcely be expected that the majority of the people would submit to the preachers in the same implicit way which they had done to him: those preachers were not regarded as Mr. Wesley's equals, however good might be their qualifications. As soon, therefore, as the head was removed, those elements of discord which his master-mind had been able to keep in control, refused to be held down by an inferior power; and it was necessary to make those modifications and alterations of the law which were seen in the Articles of Pacification. Those Articles were still the law of Methodism.

Sir W. Horne.—That we admit.

Mr. Knight.—It was admitted, then, that those Articles formed the law of Methodism.

Sir W. Horne.—No: but that they are as obligatory now as ever they were.

Mr. Knight.—That admission was quite enough for him. It was contended in the Lower Court that there had been a great variety of cases in which the preachers had submitted to a jurisdiction precisely similar to that by which Dr. Warren had been suspended. It did not signify how many such cases there were. Originally, Mr. Wesley, and, since his death, the Conference, had been the sole source of authority and law in that large community. When Mr. Wesley was alive, he had only to say the word, and small or great would be the company of the preachers as he willed it. From the period of his death, nothing was to be done, but according to the laws contained in the Minutes of Conference. It was in vain to refer to *usage* only, to prove that they had expounded their powers according to a certain mode: if that doctrine referred to the preachers, how did it apply to the laity? Because a certain preacher, in Devonshire or in Kent, had for particular reasons submitted to a particular exposition or application of the laws, was that to bind the community in every part of the kingdom? All that could be made out from such usages was, that a number of mistakes had been committed. The usage, if it had ever existed, was now resisted; and it appeared that the construction put upon the laws, by those usages, was perfectly erroneous. Mr. Knight then said, that on the part of Dr. Warren, and on the part of the congregations who had been deprived of his labours, he claimed his Lordship's interference to protect them in the regular, judicial, common-sense construction which they put upon the laws. It might be, that the Conference, at some future meeting, might enact laws which did not at present exist: but they must be guided at present by those which were in existence. Those laws required a mixed tribunal, at

which to try the preachers; but the laity were no part of the tribunal at which Dr. Warren was tried; preachers alone composed it, who had no right to claim such power for themselves. Feeling so strongly as he and his clients did, that no error in any former practice could explain away the law, or annul the rule according to which the Trust deed of the chapels was to be executed, they scarce thought it necessary to refer to any thing else; but, if any thing could add to the argument, it was the way in which Dr. Warren had been attacked. His Honour, the Vice-Chancellor, in the *judgment* which he delivered, seemed to intimate that Dr. Warren, being smitten by his enemies on one cheek, was to turn to them the other also.

The LORD CHANCELLOR.—Eh! To do what?

Mr. KNIGHT.—To turn the other also, my Lord, for the same purpose!

The LORD CHANCELLOR.—Oh! (Laughter.)

Mr. KNIGHT.—The language which Doctor Warren had employed was perhaps strong—so was the provocation he had received. He was accused of being unprincipled: he denied the charge. He was assailed and attacked from a variety of quarters: his motives were maligned: his conduct was misrepresented: he answered and vindicated himself, and he did it with spirit and talent. He did not crouch meanly beneath the blow which was inflicted; he gave back better than he received; *that* the vanquished party could not brook, and they were resolved to be revenged upon him. The very circumstance of his superior talent increased their dread and their dislike. (Oh! oh! from Mr. Newton and his friends.) They affected to treat his opposition as of no weight; they thought that what he said was perfectly innocuous; but, that a clergyman of their own body should stand opposed to them—that he should argue against their favourite schemes—that he should support his arguments by appropriate reasonings, by reasonings which they could not controvert;—such conduct was beyond all endurance! And then, what took place? A scene which he must characterise. Dr. Warren was assailed as to what was more dear and valuable to him than life, his character: he was accused of violating great and important principles; he was willing to hear what his accusers had to say; he went to their tribunal. One friend was allowed to be present: that friend whispered to him, whispered, but not to disturb the meeting; the only complaint was, that by his whispering to his friend in answer to a most important question, the President, the foreign President of the meeting, could not obtain from him an instantaneous reply. For that whisper his friend was sent to another part of the room. He thought the conduct pursued towards his friend Dr. Warren was cruel, and he uttered another whisper to that effect. For that the self-constituted tribunal turned him out of the room. Dr. Warren was thus left alone in the midst of his judges, some of whom became acrimonious witnesses. The Doctor felt indignant at their proceedings, and left them, and they went on with what they called his trial! If any thing were wanting to show the spirit in which the proceedings were dictated, it would be found abundantly in what took place on that occasion. Mr. Knight added, that he must say one word as to the presence of the President of the Conference. In the Minutes of 1797 it was stated, that the President of the Conference might assist at any District Meeting, if applied to for that purpose by the Chairman of the District; and because power was thus given to the President *to assist*, on the occasion now in question he was made to *preside*. Again; it was true, that when a preacher was removed, the District Committee were to supply the vacancy; but there must be a vacancy first. The District Committee had power to suspend a preacher, but when? Not till the mixed tribunal, the tribunal composed of lay and clerical members, had pronounced the sentence. They must find the offence; they must summon the preachers, trustees, stewards, and leaders; they must try the case; they must pronounce the sentence. But here the preachers had constituted themselves into a court, and had of themselves proceeded to pass a sentence, which their only duty was to have executed after it had been passed by a mixed tribunal. What they had thus done, could not be justified by the laws of Methodism: on those laws, the Deeds of the chapels in question had been founded, and it was folly to suggest that any unwritten laws might exist, which would go to make what had been done legal. The published Minutes of Conference were the only authority. What construction might have been put upon those laws by some individuals, that Court would have nothing to do with. His Lordship was called upon to interfere, and to decide what construction was to be put upon the laws. The length of time which Dr. Warren might or might not remain in his office, was a circumstance which ought to have no weight. The decision of his Lordship would, probably, have weight on the decision of the ensuing Conference. In the estimation of some, the matter might be of small importance: but it was of vast importance to Dr. Warren, and to the thousands who formed part of his congregations.

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Thursday, March 19.

Soon after the opening of the Court, which was again very numerously attended,

Mr. KINDERSLEY followed on the side of the plaintiffs. It was not, he said, a very enviable situation to be the *third* counsel in that case.

The LORD CHANCELLOR.—And a *fourth* to come, made it less enviable. It appeared to be quite a question of jurisdiction?

Mr. KINDERSLEY thought that the kernel of the nut lay in a very narrow compass.

The LORD CHANCELLOR said, that there was a great deal of good feeling displayed in the books which were before him. There were a number of good regulations and advices. It was a great pity that so much had been said and done, which was not in accordance with such feelings and advices.

Sir W. HORNE remarked, that, if the District Meeting did any thing which was not thought proper, there was liberty of appeal to the annual Conference.

Sir C. WETHERELL replied that they might as well appeal from Fleet-market as from a District Meeting such as had been held at Manchester. (Laughter.)

Mr. KINDERSLEY.—The Trust Deed of 1781 was clear and explicit. Dr. Warren was duly ap-

pointed to the chapel by the Conference; and the only duty of the Trust was to allow him to continue in his office during the time for which he was so appointed. But it was said, True, that Deed has a certain trust; but, as Dr. Warren was only appointed in 1833, he went there on the ground of the rules contained in the Minutes of Conference down to that year. But, if the Trust were examined, he thought it would be found that the District Court had no authority whatever. The Articles of Pacification of 1795 were constantly referred to as the standard of government for the Society. The question was, what was the construction of those articles; and had that construction been varied by any subsequent act? Had those articles been repealed, or had they been altered by any acknowledged usage? Before those Articles of Pacification, there had been four different acts of Conference in reference to the trial of preachers, from 1791 to 1794; and he would advert to them merely to see whether any power was given to suspend or remove preachers, and whether that power was modified or altered by the subsequent articles.

The LORD CHANCELLOR.—The way to consider the question appears to be this: if you rely upon these Articles, you should see what had been done previously, and then what was directed by the articles themselves.

Mr. KINDERSLEY.—The question was, whether before the Articles of Pacification, the Minutes did or did not give any power to suspend a preacher. But, even if it could be proved that the Minutes did give the power for which his learned friends contended, it would be necessary to see what was the bearing of the articles on the subjects which the other rules affected. The year 1791 was the first in which the Connexion was divided into districts. In answer to an inquiry by his Lordship, Mr. Kindersley explained in brief terms the formation of classes, societies, circuits, and districts; and the various offices of leaders, stewards, preachers, and superintendents. The leaders and stewards were laymen, the Superintendents were clergymen. He then read the rule made in 1791, by which a Superintendent had power given him to call a meeting of the preachers of his District in any case of a sudden or emergent nature which would not allow of his waiting till Conference.

The LORD CHANCELLOR.—The *preachers* only, of his own District.

Mr. KINDERSLEY. — Yes: but in that rule there was not a word about trying or suspending a preacher; though his learned friends said that by that rule the clerical body might try and suspend.

The LORD CHANCELLOR.—The assistant was to convene the preachers. Did he do so in the case before the Court?

Sir W. HORNE.—No: Dr. Warren is himself an assistant or Superintendent.

The LORD CHANCELLOR.—Then, in his case, this rule was not followed?

Mr. KINDERSLEY.—No: but, admitting that the rule did give that power, he wished to see what was the argument arising from the Articles of Pacification, or its bearing on that point. In 1792 another rule was made in reference to the Chairman of a District. That was the first time any thing was said respecting charges preferred against a preacher; and the rule was, that the Chairman was to call a meeting of the Committee of his District, after he had sent an exact account of the complaint to the accused, &c. Power was also given to a Superintendent to cite the Chairman himself before the District, and to suspend him, if found guilty. His friends on the other side contended that they had been proceeding in the manner required by that article of 1792; but the only thing provided for by that rule was, that a copy of the charges should be sent to the accused, and a meeting called to examine into his case.

The LORD CHANCELLOR.—The rule implied that he had power to summon a meeting: what was to be done afterwards?

Mr. KINDERSLEY.—Not a word was said. The Chairman of a District might write to the accused, and call a meeting of the preachers; or, if the *Chairman* were supposed to be guilty, the Superintendent of a Circuit might call a meeting, and try the Chairman, and, if guilty, suspend him; but nothing was said about what was to be done with the preacher accused. It was argued on the other side, that the same power by which a Chairman could be tried and suspended, existed to try and to suspend a Superintendent. For the sake of argument, merely, he would assume that it did so; but the next year a very different mode of trial was ordered. In 1793, if a preacher were accused of immorality, he and his accuser were respectively to choose two preachers, who, with the Chairman, were to try the accused, and, if found guilty, to suspend him.

The LORD CHANCELLOR.—That is, for immorality alone. Then I can hardly suppose that this law abrogates the former, because that spoke of "any complaint:" this is confined to an accusation of immorality.

Mr. KINDERSLEY was willing to admit that. Then in 1794 the Minutes required that a meeting should be called of all the preachers, trustees, stewards, and leaders of the Circuit, in which the accused preacher laboured. And, if the charge were satisfactorily proved, the chairman was to remove the preacher at the request of the majority, &c.

The LORD CHANCELLOR.—That was confined to cases of immorality. It applied, therefore, to the same subject as the rule of the preceding year.

Mr. KINDERSLEY.—Yes, most clearly.

The LORD CHANCELLOR.—Then it is at variance with the former rule.

Mr. KINDERSLEY.—Thus the law stood in the Minutes of the four preceding years. It was not his argument to contend whether the District Meetings thus formed had or had not power to suspend a preacher: he would go on the assumption that they had. Then what was the construction of the Articles of 1795? A great mass of affidavits was brought forward of various preachers who would give his Lordship parole evidence of *their estimation* of the bearing of those Articles. But, in answer to that, if his Lordship could look at such evidence at all, he would not take what Mr. Newton, or Mr. Grindrod, or Mr. Bunting might say they believed to be the meaning of the Articles, but he would bring forward what would counteract the opinions and belief of five hundred Mr. Newtons, or Grindrods, or Buntings—namely, the testimony of one, the only surviving preacher of the nine who framed

those Articles. That one opinion of Mr. Moore was better than all the opinions of all the Newtons and Buntings put together. But so strong was his position, that for the purpose of the argument, he was willing to throw Mr. Moore overboard for the present, as he should all the others. (Laughter.) But, if his Lordship would not receive parole evidence as to the meaning of certain rules, he would, doubtless, receive it as to the state of parties at the time the Articles were framed. He might advert to such evidence to ascertain to what set of circumstances the document was addressed. He would show, therefore, what was the pinch, the danger of the Body, the impediment to its peace, which led to the framing of the Articles of Pacification. Mr Kindersley then stated, with some minuteness, the predilections of Mr. Wesley in favour of the Established Church, as well as the feelings of a large portion of the Body at that period, on the same subject, and on certain branches of religious discipline, especially as to the administration of the baptismal and paschal sacraments. He also detailed the various dissensions which arose on those points after Mr. Wesley's death. In some cases the Trustees were disposed to exercise an undue power in ejecting preachers who were not of their opinion, however great their abilities; and, on the other side, the preachers were disposed to eject a brother in whose sentiments they did not coincide. It was contended by counsel on the other side, that the only controversy was about the two sacraments: it was true that had given rise to the rules, but they were also made for the purpose of preventing the clerical body on the one hand, and the laity on the other, from any undue exercise of power in ejecting a valuable minister. It was in reference to those circumstances, as giving rise to the Articles of Pacification, that the testimony of Mr. Moore was produced. (This will be found in another place.) With that key as to the *circumstances* which led to the framing of the Articles, he would next look at the Articles themselves, to see what their effect was. Mr. Kindersley then read from the Minutes of 1795, a portion of the address by which the Articles were preceded, in which it was stated, that the object was "to establish a general and lasting peace and union throughout the Connexion," &c. In the rules "concerning Discipline," the first article was addressed to the first dilemma as to the undue exercise of power on the part of the Trustees, and it provided that no Trustees should, by their separate authority, expel or exclude from their chapels any preachers duly appointed by the Conference. But, as that rule might seem to press hard upon them, the next rule gave them power to summon the preachers of the District, &c., for the purpose of trying any preacher who was supposed to be immoral, or heterodox, &c. Having noticed the bearing of the other Articles, seriatim, Mr. Kindersley came to the fifth, which stated, that no preacher should be suspended or removed from his Circuit by any District Committee, except he had the privilege of the trial before-mentioned. And what did that mean? Why, that, if the preacher chose to refer to the old rules he might do so, but that, if not, he might have the privilege of the mode of trial now mentioned. Nothing, he thought, could be more plain than the circumstances which led to the framing of those Articles, and the precise nature of the difficulties which they were framed to meet. That, he thought, had been much lost sight of by Counsel on the other side, and hence a wrong construction had been put upon the Articles themselves.

The Lord Chancellor. — That is not the Vice-Chancellor's Judgment. He goes on the ground that the Articles apply only to the particular cases which are specified in the Articles themselves. You talked just now of throwing certain persons overboard; you throw the Vice-Chancellor overboard also. (Laughter.)

Mr. Kindersley.—True; he wished to do so. (Laughter repeated.) The Judgment did not advert to the *perdue* of the case—to the difficulties on which the Articles were founded. The Vice-Chancellor's decision might have been correct if it had had proper ground to go upon; if it had been ascertained why the Articles were needed—who framed them—and what were the circumstances surrounding those who framed them. He and the preceding Counsel had done that, and they had shown that the mode of trial was by a mixed tribunal, in order that it might be as impartial as possible; and finally, that no preacher was to be suspended or removed from his Circuit by *any* District Committee, unless he had the privilege of such a trial.

The Lord Chancellor.—Then you understand that the clause in the 5th Article refers to the second, in which it is said, that the majority of the Trustees, &c., shall have authority to summon the preachers—to examine the accused—and to remove him from his Circuit; and that the District Committee shall have authority to suspend the said preacher from all public duties till the Conference?

Mr. Kindersley.—Yes; they may say to the preacher, Not only do we suspend you from exercising your duty in this Circuit, but from doing so in any Circuit whatever.

The Lord Chancellor.—Has the preacher any authority to go any where else to preach? They may *remove him from his Circuit*, it is said; and they may suspend him *from all public duties*. What public duties might he or could he perform, if removed?

Mr. Kindersley.—A Circuit consisted of several chapels or congregations, and the preacher of the Circuit went to the various chapels according to a certain rota. If the preacher were "removed from his Circuit," he could not preach to any of those congregations; but he might go to another Circuit, or he might preach in his own house; or he might attend to one important rule laid down by Mr. Wesley, and go into the streets, the fields, the highways, and preach. The good sense of persons in more modern times had led to the more plentiful provision of suitable places in which to preach; but Mr. Wesley's views of the duties of a preacher were such that he urged all his helpers to neglect no possible opportunity of doing good. Those were the "public duties" which Mr. Wesley imposed upon his preachers, as much as the more regular and stated preachings in the chapels of the Circuit. The District Committee therefore had the power to say, Not only shall you not preach in the Circuit, as by the decree of the *Mixed* Committee you are prohibited from doing; but you shall be suspended "from all public duties."

The Lord Chancellor.—Your argument does not go exactly on the same ground as the former Counsel. Sir C. Wetherell thought the language of the second article so clear and precise, as not to

need the addition of the fifth. You are giving to the fifth article, a meaning quite different to that given by Sir C. Wetherell. You say that particular cases, only, are provided for; that the fifth section is not merely meant in conformity to the second section, but that it applies to other matters. I think what you say seems to be borne out by the phraseology; a suspension from public duties not being included in the previous removal from the circuit. That is what is stated in the second article; the other states that he shall be suspended or removed from his circuit.

Mr. KINDERSLEY —The mixed body was to try the preacher; they must then call in the other body to decide what was to be done with him, if he was declared to be guilty.

The LORD CHANCELLOR.—These rules apply only to cases of charges *preferred by laymen;* and not to charges preferred by the clerical members of the Body. The trustees, alone, shall not have power, it is said, to appoint or expel preachers, and if they do so, it is declared to be an offence. But it is added, "Nevertheless, if the majority of the trustees, &c., believe a preacher to be immoral and so on, *then* they may summon the preachers, and the *mixed tribunal* may proceed to trial," &c. The case of charges *preferred by preachers* is not provided for at all in this case. The second article provides for complaints preferred by laymen, and points out the mode in which the preacher accused is to be tried. In referring to the Minutes of 1794, provision is made for preachers who are accused of immorality only, but that also supposes the tribunal to be a mixture of lay and clerical members.

Sir C. WETHERELL.—In the Minutes of 1793, it is stated, that the accused and the accuser shall respectively choose two preachers of their District.

The LORD CHANCELLOR.—That, again, is for cases of immorality only. Then in the Minutes of 1792, provision is made for complaints coming either from preachers or people. The Chairman is to send an account of the charge to the accused, and to call a meeting to examine into the case.

Mr. KINDERSLEY.—By the rule of 1794, if a preacher were accused of immorality, a meeting was to be called, not of the clerical body alone, as before, but of lay and clerical members. It was to be a mixed tribunal. Then came the articles of 1795, and said, "You, trustees and leaders, shall not try the preacher alone, neither shall the preachers try him alone; it shall be a mixed tribunal." The principle had been recognised in the preceding year.

The LORD CHANCELLOR.—Suppose a preacher wished to accuse another preacher of erroneous doctrines; under what clause would that come? It is not provided for by this second article; neither is it provided for by the rule of 1794. Then it must come under the cognisance of the District Committee; it must be decided according to the former regulations. Then the question is, does the fifth article refer to that or not? Because, without that, it seems quite clear, that he must be tried by the District Committee. But it is very odd, that the clause should be so obscurely worded, if it meant to refer the preacher to the District Committee for trial.

Mr. KINDERSLEY thought it meant, "You shall not, *under any circumstances*, suspend or remove a preacher without such a mode of trial."

The LORD CHANCELLOR.—It strikes me that a preacher, accused by another *preacher*, of erroneous doctrines, must be tried by the District Committee. I should conclude so at once, were it not for this fifth article. It strikes me that the question turns very much upon this article.

Mr. KINDERSLEY.—It was necessary to bear in mind the circumstances under which the articles were framed. But, if the construction of those articles admitted of doubt, Dr. Warren stood on the clear and explicit trusts of the Deed. Yet it was said, that he was to be tried according to certain subsequent *usages*. He (Mr. Kindersley) considered the fifth Article as clearly prohibiting suspension, under *any* circumstances, unless the party had either been tried, or *waved* his right to be, tried by the mixed tribunal.

The LORD CHANCELLOR.—It is in favour of your argument, that, otherwise, the fifth article appears unnecessary. The rules mentioned which a preacher can break, are those above. Suppose he had broken any other rule, he could not be tried under this article. The whole question, I repeat it, appears to me to turn on this fifth article, "except he have the privilege of the trial before-mentioned."

Mr. KINDERSLEY.—That meant a trial before the mixed tribunal. It was worthy of remark, that among the items which the Trustees, &c. had power to try, was *error in doctrine*, that which most of all might be supposed to be least likely to come before a lay body, to be purely a spiritual question. But when the matter to be considered was the publication of a pamphlet or a circular, expressing his opinion upon a point which many considered doubtful, then he must come before a clerical tribunal only. The tribunal with the mixture of laity may deal with the larger, but not with the lesser offence! A little pamphlet which was published in the year 1797, and which was the defendants' exhibit F, in this cause, contained a sort of Digest of the Rules of the Body. Of course, if parties went on in an erroneous course for a long time, it might go far to render a law doubtful. But in looking at that Digest, his friends on the other side said, we do find that it embodies with the articles, the rules of 1792 and 1793; and, therefore, as it contains them, together with the rules of 1797, it is to be presumed that they are still to be considered in operation. In operation, how? Why, as the Articles of Pacification declared they should be, and that no preacher should be suspended or removed from his Circuit by any District Committee, except he had the privilege of the trial therein mentioned. But in *the year* 1833, the Conference published or reprinted the Digest of the Rules; and *in that edition they published the Articles of Pacification, but totally omitted the Articles of* 1791, 1792, 1793, *and* 1794!

Sir W. HORNE, and several of the preachers and gentlemen about Mr. Newton, wished it to be understood that the pamphlet in question contained *merely extracts*, as a kind of *manual* or *index;* but that the edition of 1797 contained the complete code. It had been attempted in the Vice-Chancellor's Court to prevent the production of the pamphlet of 1833; but Sir C. Wetherell succeeded in getting it made an exhibit.

Mr. KINDERSLEY had understood that the pamphlet now produced, of 1833, would be disputed. But he would read an affidavit, which would set the question as to the genuineship and authority of the publication entirely at rest. He then read as follows:—

"SAMUEL WARREN, of Manchester, in the county of Lancaster, maketh oath, and saith, that when a preacher has finished his probation, and has been approved and received into full connexion, the pamphlet now produced and shown to this Deponent, marked with the letter E is given to such preacher by the President of the Conference, in the bill in this cause mentioned or referred to, with an endorsement written thereon, addressed to the individual, and signed by the said President, and by the Secretary of the said Conference, which endorsement is in the words following, that is to say:—'*As long as you freely consent to, and earnestly endeavour to walk by* THESE RULES, *we shall rejoice to acknowledge you as a fellow-labourer.*' And this Deponent further saith, that John Mason, the publisher of the said pamphlet, is the acknowledged and official Book-Steward and publisher to the said Conference, and that James Nichols, the printer of the said pamphlet, is the general printer for the said Conference; and that the said pamphlet was published *under the sanction and authority, and by the direction of the Book-Committee, appointed by the said Conference.*"

[Mr. Jackson, the editor of the *Wesleyan-Methodist Magazine*, Mr. Mason, the publisher, and several of the preachers, were busily employed for some time in examining and comparing the two pamphlets, and evidently appeared disconcerted by the discrepancy which had been detected.]

The LORD CHANCELLOR asked where the power was given to the Chairman of the District to summon the Committee.

Sir C. WETHERELL said, that by the second Article of the Rules of Pacification, the power to summon was given to the Trustees, &c.

Mr. KINDERSLEY referred his Lordship to the Minutes of 1794; but said that it was not necessary to state that particularly. All persons who held any office in the body had that power, and could employ it when necessary. The Chairman needed no particular power; he might call a meeting whenever he thought proper.

The LORD CHANCELLOR.—It is evident from the ambiguity of these Rules, that it is much more difficult to make laws than people in general suppose. (Laughter.)

Mr. KINDERSLEY.—Then *usage* was referred to. It was said, that cases occurred over and over again of persons who had been tried according to the mode in which Dr. Warren was tried. Many, or most of the cases, however, were cases of immorality. But even those usages were perfectly consistent with the view which he had given. Such individuals would of course be very unwilling to come before the public more than they could help, and would gladly avail themselves of a District Committee tribunal for the purpose of secresy. But it was not so with Dr. Warren; he said, "I am not conscious of having committed any offence, and I don't choose to submit to such a tribunal." Because the persons referred to in the affidavits had submitted *sub silentio* under all the circumstances, did that imply that the Rules did not exist?

The LORD CHANCELLOR.—In the Minutes for 1797 it is said of the mixed tribunal, formed according to the Plan of Pacification, that it can, in every instance in which the trustees, stewards, and leaders *choose to interfere*, respecting the gifts, doctrines, or moral character of preachers, supersede, in a great measure, the regular District Committees. The *regular District Committees*, therefore, continue, though they are liable to be superseded by the mixed tribunal. But only in particular instances: the mixed tribunal can, in every instance in which it chooses to interfere, supersede the regular District Committee. Therefore, it does not supersede the old tribunal generally, but only where the charges are preferred by laymen.

Mr. KINDERSLEY.—If the charge be preferred by a preacher, I apprehend, my Lord, that the Mixed Committee may be called together by the Chairman of the District, under the authority of the Minute of 1794.

The LORD CHANCELLOR.—That seems in some measure to meet the difficulty.

Mr. KINDERSLEY.—It said in effect, "We have given you power to try offences which, heretofore, were tryable by the preachers only." The privilege was to the preacher, not to the people. They did, in effect, say to the people, "We have given you this great power, and you ought to be thankful for it." What were they to be thankful for? Why, the call was upon their gratitude, because they were now empowered to call the preachers, trustees, &c., together, which before they were not allowed to do.

Sir C. WETHERELL requested Mr. Kindersley to read the latter portion of the address to which his Lordship had referred.

Mr. KINDERSLEY. "Such have been the sacrifices which we (the clerical body) have made, that our District Committees, themselves, have *hardly any authority remaining*, but *a bare negative in general*," &c. How did it appear that in the mixed tribunal, there was any thing like a bare negative? Why, couple the mixed tribunal and the District Committee, and *then*, and *then only*, might they say to the *latter*, "We have cut *you* down, and left little remaining but the name." He thought that the construction which he had put upon the words, was most consonant with sense, and would tend, he trusted, to show his Lordship what jurisdiction he should exercise. In the Minutes of 1829, "certain novel interpretations of the laws and usages of the Body" were referred to. The word *usages* was introduced; and the Vice-Chancellor, in his Judgment, referred to that word usages, for the purpose of showing, that they had been acted upon. Then it went on to say, "The Conference unanimously resolves and declares,"—what? If his learned friends' arguments were good for any thing, they would find the rules of 1791, &c., referred to; but no such thing. "That it will continue to maintain and uphold the *Articles of Pacification* adopted in 1795, and the regulations which are arranged under various heads in 1797, &c.; rules which, *taken together*, equally secure the privileges of our people, and the due exercise of the pastoral duties of ministers; and which *the Conference regards as forming* THE ONLY BASIS *of our fellowship as a distinct religious Society, and* THE ONLY GROUND *on which our communion with each other can be continued.*" He (Mr. Kindersley) must now say a few words as to the nature of Dr. Warren's offence, and his suspension. The Counsel on the other side

still dwelt with emphasis on the rule of 1792! but in the smaller pamphlet (exhibit E,) which his Lordship would find, professed to contain the rules of the Society, the Articles of Pacification were set forth at full length, but not one syllable of the rules of 1791, 1792, &c.! (Some murmurs as to the reference made to this pamphlet again proceeded from Mr. Newton and his friends.) He repeated that the Articles of Pacification were there found at length, while not a syllable was there of the former rules! In page 59, was a copy of the form propounded as the mode in which the Trust Deeds should be drawn up, just as the Deed of the chapel in question was drawn up, and fully recognising the Articles of Pacification. And to show how completely the Methodists considered the Articles as the *Magna Charta* of the Body, in the Deed of 1826, those very articles were embodied. Then, as to the offence of Dr. Warren. It was the publication of a certain pamphlet, by which publication he was said to have violated the essential principles of the Connexion. They did not say that the pamphlet contained any thing wrong, the act they complained of was the publication of the pamphlet.

The LORD CHANCELLOR.—Is there any provision which enables the parties to remove an individual who does not choose to attend when summoned?

Mr. KINDERSLEY believed not. Dr. Warren in his pamphlet stated the circumstances connected with the proposal to form a Theological Institution, &c.; at first he partly approved of the scheme; but when he began to see that there was a good deal of jobbing going on about it he objected. He wished things to be done fairly, and proposed suitable persons, not members of the Committee, to fill some of the offices; but he stood alone.

The LORD CHANCELLOR.—Where is the clause which gives the District Committee power to suspend a preacher?

Mr. KINDERSLEY could not find it, except for cases of immorality, or error in doctrine. In the present case there could be no such extreme pressure. The mere publication of the pamphlet could not signify one straw. What had that to do to prevent him from continuing to preach his excellent sermons, and to discharge his various important duties till Conference?

The LORD CHANCELLOR.—What is the course usually adopted, where the preacher is supposed to guilty?

Mr. KINDERSLEY.—To suspend. At least, so it was in the case of Mr. Moore. But what said he? If you don't allow me to remain in quiet, I will go—where? to Conference? to a District Meeting? No! I will go to a magistrate. That was the only instance recorded in which any individual had stood out against the decision of the District Meeting; he did resist it, and the Conference were glad to hush the matter up. (Loud expressions of dissent from Mr. Newton and his friends.)

Sir W. HORNE.—There seems to be tolerably plain tokens of dissent from that declaration, here, however.

Mr. KINDERSLEY.—Yes; the parties who had come forward to make such voluminous affidavits might dissent, but that did not at all injure his argument.

The LORD CHANCELLOR.—It is a great pity that such parties should exist among persons making such professions of religion.

Mr. KINDERSLEY referred to the affidavit which contained the account of Mr. Moore's suspension. Mr. Moore expressly stated,—

"That having been authorised and empowered by the will of the Rev. John Wesley, to preach during his, the said Henry Moore's natural life, in the new chapel at London, and, as such preacher, to reside in one of the houses attached to such chapel, as had been done by every one of the preachers named in the said will, who needed it, he refused to give up the said chapel, although directed by the preachers And for that reason alone, a District Meeting of the London District, composed of preachers only, was called to consider his conduct; to which District Meeting he was summoned. That he did not neglect to attend such meeting, as stated in the said affidavit, but in a letter addressed to the Rev. Richard Watson, the Chairman of the District, he positively and distinctly refused to do so, and, that he did so refuse, because he then considered and distinctly stated, the said meeting to be an illegal meeting, having no power or authority whatsoever to suspend him, and having no right to interfere with the trusts of the said will, and an abuse of every thing that was known in Methodism, and that he, therefore, did not attend such meeting, though he lived within a few yards of the place where the said District Meeting was held. That he afterwards heard that the said District Meeting thereupon professed, or pretended to suspend him from the performance of his duties as a Travelling Preacher in the said chapel. That, notwithstanding such alleged suspension, he continued to perform his ministerial duties in the said chapel, and to preach in the said chapel in every respect as he had theretofore done; but for the sake of peace alone, he did not preach in any other chapel in his Circuit, always, however, protesting, that his suspension was utterly illegal. That some of the said preachers, after such alleged suspension, waited upon the said Henry Moore in the vestry of the said chapel, and threatened him that they would prevent his preaching therein; whereupon he informed them, that if they put their threat in force, they would have to answer for it the next morning before the magistrates, and they thereupon desisted, and left him in the full enjoyment of the said chapel, and did not further molest him therein; and that no further attempt was made to enforce the said alleged suspension with reference to the said chapel. That the said Henry Moore sent to the Trustees of the said chapel, to know whether they intended to join with the preachers in the said suspension; but they answered that they had not, and would not, join the said preachers, and that the said Henry Moore should never be disturbed by them. And he continued to preach in the said chapel undisturbed, until the time of the then next Conference. That at the ensuing Conference, they wished to try the said Henry Moore, but he refused to be tried, because he refused to violate Mr. Wesley's Will; and thereupon he retired from the Conference. That in a few days after, the said Henry Moore received a message from the Conference, that the disputes then, or theretofore, existing, had been settled and arranged, and he was thereupon recalled and invited to take, and did, in the year one thousand eight hundred and twenty-seven, take his seat in the said Conference, as he had theretofore done. That during the meeting of the said Conference in one thousand eight hundred and twenty-seven, he received a letter stating that a friend of the said Henry Moore had heard that a preacher had written a letter stating that he, the said Henry Moore, 'had acknowledged his fault, and had been forgiven;' whereupon he, the said Henry Moore, in open Conference, read the said letter, and distinctly and indignantly repelled its statement as a gross falsehood in the presence and hearing of the said

John Gaulter and the Conference, and at the same time added, that 'he had acknowledged no fault, and had given up no right;' whereupon, the said John Gaulter immediately got up and said, 'We have settled this affair, and will not unsettle it.'"

So that he (Mr. Kindersley) was right in saying that the Conference *hushed it up*, and did not carry the matter further. Mr. Kindersley then went on with the narrative of the proceedings relative to the Institution—the speech at the Conference—Mr. Newton's insinuation on Dr. Warren's mode of stating which the Vice-Chancellor had animadverted so severely, &c.

The LORD CHANCELLOR inquired what all that had to do with the merits of the case?

Mr. KINDERSLEY referred to those statements, because the Vice-Chancellor had picked out certain passages, and had commented upon them at length. By those comments, Dr. Warren had felt himself considerably hurt; more so, indeed, than by any other part of the proceedings. The gist of what the Vice-Chancellor had said appeared to be that Dr. Warren, when smitten on one cheek, ought to have turned to his smiters the other.

The LORD CHANCELLOR.—Did the Vice-Chancellor use that expression?

Mr. KINDERSLEY.—Not those very words; but he said:—here Mr. Kindersley read some extracts from "Stephens's Report of Dr. Warren's Case," p. 51, and observed that, though it was not denied that the unwarrantable expressions which were attributed to Mr. Newton and to Mr. Bunting, had actually been addressed by those gentlemen to Dr. Warren, yet that the Vice-Chancellor said not a word against them, but animadverted in strong terms upon the impropriety and indecency of certain expressions, comparatively trifling, which had been used by Dr. Warren. In addition to that, the Vice-Chancellor went on to quote from other pamphlets which had been published subsequently, and to make remarks upon them; so that the judgment had the effect of making Dr. Warren appear as having committed an aggravated offence, and seemed intended as a punishment inflicted upon him for that offence. His Honour had also referred to the awful doom of revilers, and intimated that Dr. Warren should have thought of that before he had written as he had done. But what was *the real ground* on which Dr Warren had been suspended? The *charge* was, publishing an obnoxious pamphlet. Was that the offence for which he was condemned? No! It was "resolved that Dr. Warren by"—what? publishing his pamphlet? No! "by his positive and repeated *refusal to take his trial* at this District-Meeting, has left them no alternative but to suspend him, &c." Could his friends show his Lordship, in any of the numerous documents before them, any one which gave power to any meeting to suspend a preacher without even going into the charges preferred against him? Mr. Kindersley concluded by saying, that when he looked at the whole case—at the trust deeds of the chapels—at the rules of 1794, 1795, 1797, 1829, 1833—at the vagueness of the charge—at the general contents of Dr. Warren's pamphlet, which surely did not contain any thing so poisonous, so dangerous as to call for suspension; he could not but regard the proceedings which had been instituted against him as highly illegal. Even his Honour, the Vice-Chancellor, expressed something of doubt as to the power of the District Committee; his Lordship appeared to entertain similar doubts. Dr. Warren had the same doubts; and therefore he had not submitted to their decision, and therefore, he was made to suffer. In conclusion, he would venture to say that, if the decision of the Vice-Chancellor was allowed to stand, the whole of that great and important Connexion, the Wesleyan Methodists, would be split to pieces.

Mr. KENYON PARKER, who followed on the same side, stated the case in terms very similar to those of the preceding counsel. Having read the provisions of the deeds by which the Chapels were held in trust, he contended that as Dr. Warren was the preacher duly appointed by the Conference, they had no power to suspend or remove him, while he regularly discharged his duties. It had been argued that certain laws of the body gave them a right to suspend him, and if to suspend, to appoint another also to fill his place. The Trustees certainly had no such power under the Trust Deed of 1781; and under that of 1826 a particular document was referred to, namely, the Articles of Pacification, by which a tribunal was provided for the examination and punishment of all offences, to be composed of a mixture of lay and clerical members. Dr. Warren could only be tried or removed in pursuance of that course, and unless they could show that they had distinctly, and to the letter, followed the rule laid down in the Articles of 1795, the prayer for an injunction must be granted.

The LORD CHANCELLOR.—Suppose that by the Conference a particular mode of removal is pointed out; are the Trustees bound to submit to such rule? It has been argued that, notwithstanding the powers of the deed, if a preacher be removed by certain laws and regulations of the Conference, it is right, be the provisions of the deed what they might. If that were the case, what use was it to refer to the deeds?

Mr. K. PARKER, in resuming, wished to draw attention to the circumstances which led to the framing of the Articles of 1795, and having done so, he assumed that all former rules were intended to be repealed by those Articles. The rules of 1794 had prepared the way for an infusion of laity unto the tribunals of the Body; and had it been intended that the two tribunals should stand, there would, at least, have been a manifest incongruity in having two tribunals to try the same kind of cases; immorality being expressly named in the provisions of the old laws, as well as in the Articles of Pacification. Those Articles forbad the Trustees of themselves to exclude from their Chapels a preacher appointed by the Conference. But Dr. Warren was appointed by the Conference, and yet the trustees had served notices upon him, and prohibited him from preaching. The tribunal prescribed by the Articles was to consist of four classes of persons, and was to try all cases that could exist. The District Committee had always been a clerical body; the new meeting was to be composed of clergy and laity. Without the privilege of such mode of trial, no preacher was to be suspended or removed. If the Articles of Pacification were lost sight of, where was the power of suspension to be found? It was evident that Dr. Warren had not the privilege of such mode of trial. When the Articles of Pacification were published, the Conference said, "Thus have we done our utmost *to satisfy every party* and *to unite the whole*." And after stating the provision which had been

made for the due administration of the Sacraments, they added, "We have gone abundantly further. We have, in some degree, deposited our characters and usefulness in your hands, or the hands of your representatives, by making them the judges of our morals, doctrines, and gifts." That language plainly showed that they intended to give a mixed tribunal to the people. Even if those rules did not apply to the first deed, they must assuredly govern the last.

The LORD CHANCELLOR.—Suppose that a preacher infringes the general rules of the Society to a considerable extent; what power is there to try him?

Mr. K. PARKER.—The Trustees, Stewards, and Leaders, may summon the preachers, &c.

The LORD CHANCELLOR.—No; that provision is made in reference to certain cases only. How is he to be tried for what is not mentioned here, but which may be very injurious? Unless his offence, of the kind I have stated, amounts to immorality, I don't see how he could be tried by these articles. The rules here seem to apply to the administration of the Sacraments of Baptism and the Lord's Supper, to service in church hours, and so on: these must be the rules referred to, when it is said, "If he have broken any of the rules above-mentioned." Erroneous doctrines, and deficiency of abilities, are also named. There are a great variety of very excellent rules in these volumes; now what is to regulate in the case I have stated?" As you say, that by these articles, all former rules and regulations are done away with, what rule is to be adopted as to his trial? I cannot assent to what is said about the little pamphlet which has been handed up to me, being the whole rules of the Society, because there are a great many very important things which are not provided for by it.

Mr. K. PARKER contended that if all the former laws were still in existence, the District Meeting had no power to remove a preacher.

The LORD CHANCELLOR.—Yes; in the Rule of 1794, it is said that the Chairman of the District shall remove the convicted preacher from the Circuit on the request of the majority of the meeting.

Sir C. WETHERELL.—That was only in cases of gross crime or misdemeanour.

Several cries of "Oh! oh!" from Mr. Newton and his friends

Sir C. WETHERELL.—"Oh! oh!" well, we shall see, by and by.

The LORD CHANCELLOR.—The case which I have just referred to, is one of immorality. But that only speaks of removal. I do not find any express power given to suspend to a District Meeting, except in the particular case of the Chairman of a District.

Mr. K. PARKER said, that in 1824, Dr. Warren became a legal member of the Conference, and in 1833 he was appointed to the First Manchester Circuit; and again, in 1834. He then stated the particulars of the discussion, respecting the Theological Institution, the calling of the Special District Meeting at Manchester, &c. Dr. Warren went to that meeting, and did not, at first, object to the proceedings. But his not objecting to them, did not make the court or its proceedings legal. He was summoned to a District Meeting, and not to a District Committee, as the Articles required.

The LORD CHANCELLOR.—What is the difference between a District Meeting and a District Committee? Are they two distinct bodies, formed for two different purposes? If not, what does it signify whether you call them by one name or by the other?

Mr. PARKER believed that the one referred to the preachers only, the other to the mixed body. ("No, they both mean the same thing" from several persons). But he proceeded to notice the *crime* which was alleged against Dr. Warren: that was, his having published a certain pamphlet. But *the sentence* was for something else: he supposed it must be for contumacy.

The LORD CHANCELLOR.—Then they don't suspend Dr. Warren for being guilty, but for not submitting to the jurisdiction.

Mr. K. PARKER.—He was suspended for refusing to be tried. Up to the time of Mr. Wesley's death no mention was made of any such crime as contumacy. It was only in the third of the Articles of Pacification that it could be found. And it was remarkable, that the only passage in which any thing like contumacy could be found, was in the very articles by which they refused to abide in forming their tribunal. The Minutes would be searched in vain for it up to the time of Mr. Wesley's death, and before that, he had the sole suspending power. If Dr. Warren had not been allowed the privilege of such a trial, it was clear that he was not contumacious, and they could not defend the sentence they had pronounced on the ground of contumacy. On that ground, as well as on the express provisions of the Deeds, he presumed that the Court must decide in favour of Dr. Warren.

Mr. RUSSELL here stated to the Court that Messrs. Kent and Broadbent, two of the trustees and co-plaintiffs with Dr. Warren, declined taking any part in the pleadings, and would abide by the order of the Court jointly with the Doctor.

Sir W. HORNE, appeared in behalf of the defendants.—If it were not for the extreme importance of the case to the very respectable religious body for which he appeared, and if it did not involve so many important consequences in reference to that body and to the public at large, he need scarcely occupy beyond a few minutes of his Lordship's time. He would briefly state for what Dr. Warren had been tried, and for what he had not been tried. By that course he should relieve Dr. Warren, from much unpleasantness which he might otherwise feel, and he should at the same time render the case more clear. They admitted that Dr. Warren was a preacher of the Wesleyan Connexion, and of high respectability in that Connexion. They admitted that they had not summoned him to the tribunal, formed, according to the rule of 1795, of a mixture of clerical and lay members. He was tried, right or wrong, in the way in which numbers of preachers of the same body had been tried from the commencement of the Connexion. They had not tried Dr. Warren on a charge of immorality; it would be a libel upon his character to suppose that he could be guilty in that respect. His character was above it. His character stood so high as to need no such testimony from him, (Sir W. Horne.) Nobody had ever dreamed of bringing Dr. Warren before that or any other tribunal for immorality. They had not tried him for holding erroneous doctrines, nor for any other of those matters for which they said, that the articles of 1795 provided a certain tribunal. He wished to draw the attention of his Lordship to a few facts concerning the Wesleyan body, which his learned friends had not brought forward. It was well

known who originated the society—who was the meek, the pious founder of the Connexion—what the Conference was, and how it was constituted. The first preachers were regularly ordained members of the Church of England, whom Mr. Wesley called in to his assistance as to clerical matters. Whatever might be the value of the temporal possessions to be held or eujoyed by the Trustees, or others, he thought his Lordship would agree with him, that those temporal possessions were to be considered as subordinate to the spiritual concerns of the Connexion. All that had been said, and the affidavits which had been read, must satisfy his Lordship that so much was it the determination of Mr. Wesley, that the temporal concerns of the Connexion should have no influence over its spiritual interests, that he only resorted to the use of Deeds, because informed by lawyers that if he did not do so, the property would not be secure to his working members, the preachers. During Mr. Wesley's life-time there were no Districts or District Meetings; he being the patriarchal founder of the Connexion, its members submitted all authority to him; and he, with a tenacity arising from no undue feeling, determined that in the interval between Conference and Conference, all that regarded the regulation of the Connexion should be left to him, with such aid as he might choose to call in. In the Minutes, Mr. Wesley spake with simplicity of the way in which he acquired his power; and in those Minutes also, it was seen how he exercised that power, appointing, suspending, or removing his preachrs. When it was considered that the object of Mr. Wesley was to form a pure, and spiritual, and self-denying priesthood; when it was considered that his views of purity and simplicity of manners were with regard to many little things not required by law, or the habits of society; when it was considered what importance he attached to minor objects, how many things he forbade to his people which were clearly circumstantial, how many self-denials he imposed upon them, how many things he required them uniformly to conform to, to do and forbear to do; to suppose that, in the interim between the meetings of the Conference, those persons he appointed to preach were, if any case of magnitude or emergeney were to arise, with respect to these matters, to go on, not only with impunity, but without notice, without being silenced, or reproved, or suspended—to suppose *that*, persons might suppose a society of a certain kind, but it would be any thing but the society of Methodism, which Mr. Wesley founded in some intervening period between the year 1730 and 1740, and which he governed from that time down to the period of his death, which happened in 1791. The Conference met annually, as it still did; it was a body of his own preachers in whom he confided, and to whom he meant to delegate his power when he died. In 1791 he died, and at the first Conference called after his death, inquiry was made as to the best mode of preserving the whole economy of Methodism entire, as Mr. Wesley had left it. The plan of dividing the three kingdoms into Districts was fixed upon, and rules for their regulation and management were laid down. District Committees were to be formed, and if no exact limits were given to their jurisdiction, it was because none of the preachers were strangers to the subject matter of their jurisdiction. Those Committees were designed to be substitutes for Mr. Wesley, and for his government. They were to exercise the same degree of power which he had exercirsed; and as he had power to examine, suspend, or remove his preachers, so that power must have been confided to those District Committees, or the arrangement would have been a useless and absurd mockery. His learned friends had said that the only power given to the District Committees was to inquire, to moot, to dispute, &c. But the Minute of 1791 shewed that it was the power of determining, of deciding. And if the decision could not have been followed by suitable punishment when it was necessary, it would have been only a *brutum fulmen.* They had power doubtless to remove a preacher when it was necessary, or he might still have pointed to the Trust-deed, retained possession of the pulpit, and defied all attempts to remove him. The Deeds were valuable only as they secured the temporal property of the chapels; but let the preacher be removed in consequence of any thing improper, and the consequence would be that he would no longer have his hire. The Minute of 1791, therefore, fully established the power of the District Committee. Then followed the rule of 1792, on which Sir W. Horne remarked that the argument was preposterous which acknowledged that power was given to the District Committee to try and suspend a Chairman, and yet denied to that Committee power to try and suspend a Superintendent. The Superintendent was not to escape if guilty; over him the Chairman had authority; but *quis custodiet custodes?* The Chairman, therefore, if a delinquent, was not to escape with impunity. That minute, so far from taking away any power which the District Committee of 1791 possessed, augmented and increased that power. In 1793 a new tribunal was formed to try for the single case of immorality; but that was only a somewhat different modification of the power which the Committee before possessed, a modification applicable to a particular case, where some degree of privacy might be thought desirable. In 1794 it seemed right to create a tribunal of a more mixed kind, but, still, for the single case of immorality. The District Court still remained as in 1791, constituted exclusively of preachers, with all the power which it had from its first formation. In 1795 the Articles of Pacification were framed, which was only a more enlarged alteration of the law of 1794, as to the persons who were to constitute the Court, and as to the subjects of its jurisdiction. But though he (Sir W Horne) was bound to say that the new tribunals were allowed to try matters which were not before included, he contended that the Old District Committee still remain as in 1791. Sir W. Horne here detailed the circumstances which led to the framing of the Articles of Pacification, and denied that there was any desire on the part of the people to trench at all upon the power possessd by the District Committee. As to the case now before his Lordship, he had the strongest conviction on his own mind, that with regard to that construction of the Articles of Pacification, and the law that had been built upon them, it was purely an after-thought, and was to be attributed, as many parts of that case were, solely to the ingenuity of Mr. Parker, who drew the bill Really he could not but admire the simplicity, the *naiveté*, of his learned friend, in some part of his reasoning. He said "you have called a meeting together,—you have given a history of the proceedings,—you have passed sentence,—but all this is improper;" and then he puts into the mouth of opposite counsel that very foolish and flimsy argument,—it was very important that he should put something in, but he put forth something

that he himself must have known was contrary to the fact. He said,—"The defendants *pretend* that in the year 1795, there were certain Articles of Pacification promulgated, which authorized a meeting to be called, with power to suspend a preacher." Then he said that the defendants pretended the meeting was called under the articles of 1795; that they justified their authority by the construction of those articles; and then followed a long argument the other way, charging that those pretensions were without foundation; and an argument accordingly. The fact was, that Chancery pleaders had a great deal of imagination on these subjects, and he attributed that entirely to the imagination of his learned friend—

The LORD CHANCELLOR.—When was the bill put on the file?

Sir W. HORNE.—On the 9th of February, my Lord; the Doctor was suspended on the 20th of October, but he does not proceed till the 9th of February.

The LORD CHANCELLOR.—In the mean time, however, I perceive that an account of the proceedings was published, and the same question with respect to the power was raised, so that it is not raised for the first time, you know, by the bill. Perhaps, Mr. Parker was the writer of the pamphlet?—(Laughter.)

Sir W. HORNE could not tell who was the writer of the pamphlet; they were dealing with the record in that court, which record was framed against the fact, and against the knowledge of every person belonging to the body; because they were not proceeding under the Articles of Pacification, nor did any man ever think they intended to do so. When he said it was entirely an afterthought, he was not speaking without book; for if his Lordship would have the goodness to look at what passed, not on the part of his learned friend Mr. Parker, but on the part of Dr. Warren, he was very much mistaken if his Lordship would find a whisper from Dr. Warren when he was before the committee that the court was not properly constituted. Nay, he would go further. His learned friends had read a lecture about evidence, by saying they had attempted to bring into evidence, things which did not take place till after the trial. Why, that was only of a piece with his learned friends' pleadings, for those very statements to which they alluded, were statements made by Dr. Warren himself, who introduced his own books, and verified them by his own affidavit. See what it was that Dr. Warren was tried for He (Sir W. Horne) said *tried;* the Doctor seemed to deny that, and he would therefore say *sentenced*. He was sentenced on the 20th of October. Now, there was an odd history attending that. The fact was, that in order to get the start of the defendants, a meeting was called, at which the Doctor presided; he believed very ably presided, for he himself gave a report of the proceedings, and stated, that at that meeting thanks were voted to him for his conduct in the chair. Now, although his learned friend, Mr. Knight, conceived that nothing could be more wicked and more anti-christian than the conduct of the defendants, yet his Lordship would find that Dr. Warren, upon his own evidence, shewed that he was chairman at a meeting at which it was declared nothing could be more anti christian than the proceedings of that District Meeting, and therefore they were held up to the scorn of mankind. He did find so much fault with that; the parties might have been excited and hot, and every body who appealed, considered that it was bad law which was administered to him. Indeed, it would be most improper and most unjust to appeal, unless the judgment from which the appeal lay was considered wrong; not that it was wicked—persons did not usually charge judges with wickedness in their administration of the law, just as it was in the present appeal, the Judgment did not please; but there was no quarrel with the jurisdiction. Sir W. Horne then proceeded to a more particular examination of the Articles of 1795, and especially the second Article. But though a right was given to the new Court to try many offences which were enumerated, it by no means followed, he thought, that they were to try all possible cases:—the argument which sought to establish that idea was so strange, that he could not consent to grapple it. The power given to the mixed tribunal, was only that of inquiry: if they thought him guilty, he was to be considered as removed; that is, there was to be no appeal from that judgment, except to Conference. But then the old Court, the District Committee, that very Court for which he (Sir W. Horne) was now counsel, were to come forward with their powers, and determine how the preacher was to be disposed of, or suspend him, if they judged fit.

The LORD CHANCELLOR.—But the preacher, if found guilty, *is removed* by the vote of this mixed tribunal, *without the intervention of the District Committee*. Suppose the article stopped there, would not the preacher be removed?

Sir W. HORNE.—The argument of his friends was, that the mixed Court destroyed the old District Committee; he wished to show, that, even when the new Court was held, the old Court retained its former authority.

The LORD CHANCELLOR.—But that sentence is *complete* as to the removal of the preacher, *without* the interference of the District Committee.

Sir W. HORNE said that all he wished to show was, that the District Committee had not lost its original power.

Sir C. WETHERELL.—No; at all events it has no power to amove.

The LORD CHANCELLOR.—So I understood Mr. Kindersley.

Sir W. HORNE.—When the enactments of 1791, 1792, 1793, and 1794 were looked at, they should be taken only in reference to the cases which were there stated.

The LORD CHANCELLOR.—But you cannot bring Dr. Warren under any of those cases. He is not charged with immorality, or with error in doctrine. You say that the power of the District Committee is not taken away. You say, that, so far from its being annihilated, it still retains all its power, and is recognised in these very Articles. Is not that what you mean?

Sir W. HORNE.—Yes, my Lord.

The LORD CHANCELLOR.—Very well. Now you have got up to this point of saying, that so far from the District Committee being annihilated by the Articles of Pacification, it is recognised in these very Articles. Is not that what you mean, so far as your argument has gone?

Sir W. HORNE.—Yes, my Lord, and I think I shall sustain it.

The LORD CHANCELLOR.—I am drawing no conclusion—I am only wishing to follow you.

Sir W. HORNE.—Yes, my Lord, and I am going to show that, with respect to this meeting, if they think proper to remove, the District Commitee has the power of appointing another preacher. The article says, "The *District Committee* shall appoint another preacher," and so on. In continuation, it was quite clear, he said, that the law extended only to particular cases. Suppose the meeting had thought proper to form itself, the accusation might not come clearly within those definitions, and the accused might say, None of this article applies to me, and I need not stand my trial. But the District Committee could take cognisance of all offences. He then came to the fifth Article, on which his friends seemed to place so much reliance. First, he would say that *referendo referendis singulis*. As that declaration was only a part of the whole, the principle of the whole must be looked at; and, when that was done, he thought the difficulty would be solved in a moment. The trial was confined to particular cases; and, therefore, the privilege of that mode of trial must be confined to those cases also. He could not conceive how that clause affected the defendants. Dr. Warren had not been tried according to the mode prescribed in the second Article: they had not attempted to remove him to a Court where he had not "the privilege" to attend. How could he have the privilege if there was no tribunal to try him? The privilege was for those who came under the provisions of that privilege.

The LORD CHANCELLOR.—You don't meet the difficulty, Sir W. Horne, that has struck my mind from the phraseology—it may be from the phraseology. It is not the District Committee that removes in the Articles of Pacification. The District Committee has no power to remove—that is to be done by the meeting. The fifth Article cannot apply to what goes before, because it is not the District Committee that suspends, but another body.

Sir W. HORNE said that his argument was, that what his friends called the District Committee was not really so.

The LORD CHANCELLOR.—The judgment is given to a different court, and not to the District Committee. If it was necessary, in order to complete the sentence, that the District Committee should intervene, that would connect the articles. But it is here said that the meeting has power to remove. Meet that argument, Sir William.

Sir W. HORNE could not conceive that any power which the District Committee formerly possessed was taken from it by the new Articles.

The LORD CHANCELLOR.—The meeting suspends and removes the preacher. "He shall be considered as removed from the Circuit;" that is the act of the meeting. Then, "the District Committee shall, as soon as possible, appoint another preacher for that Circuit instead of the preacher so removed; and shall determine among themselves how the removed preacher shall be disposed of till Conference, and shall have authority to suspend the preacher," not from the Circuit, but "from all public duties," till the Conference, if they think proper! It is discretionary what they shall do with him; but it is not said that they are to suspend him.

"They have power," from Mr. Newton and his friends.

Sir W. HORNE.—The mixed tribunal had power to remove the preacher from the Circuit; but the District Committee had power to suspend, which was far beyond the power to remove from a Circuit. And that was just what they had done with Dr. Warren.

The LORD CHANCELLOR.—You don't meet the argument, Sir William.

Sir W. HORNE assured his Lordship that he applied himself to it in the best manner he could.

The LORD CHANCELLOR.—It is said that "no preacher is to be suspended or removed from his Circuit by any District Committee, except he have the privilege of the trial before mentioned." But 'tis not the District Committee that has removed him, but the meeting.

Sir W. HORNE said, that they had not attempted to remove Dr. Warren on any of the grounds stated in those Articles.

The LORD CHANCELLOR.—Mr. Kindersley's argument appeared to me to be sound, and therefore I want an answer to it. They say, True; the District Committee has a jurisdiction, but that jurisdiction must be exercised in a particular manner: if it be not exercised in that manner, it has no authority at all.

Sir W. HORNE was aware that his friends stated the argument in that way.

The LORD CHANCELLOR.—It seems to be assumed on your side, and also by the Vice-Chancellor, that your Court is referred to in the article No. 2. And it seems, that he, as well as you, supplies the words to the fifth Article, "in the cases above mentioned," and considers the rule as applicable to those four classes only.

Sir W. HORNE resumed.—He wished to show that the Articles of Pacification were only to try particular persons on particular charges, and that other cases were left to be dealt with as before the Articles were framed.

The LORD CHANCELLOR.—They say that your arguments are inconsistent with the language of the fifth Article. If you cannot meet the objection, you had better go on.

Sir W. HORNE.—His object was to show that the whole of the enactment applied to a new jurisdiction. The preacher was entitled to the privilege of that *mode* of trial, whenever he was entitled to the *trial itself*. He had the privilege of being tried by the new Court on those points for which the new Court was formed. The *privilege* was for a man to be tried in one Court, or by one form rather than another, and not that he was not to be tried by any Court at all. They had not tried Dr. Warren in that Court, because it was not the jurisdiction which applied to his case. The privilege was that of *trial*, not of *impunity*. The preacher might choose the privilege of jurisdiction, but only in the cases to which that jurisdiction extended. They had not denied Dr. Warren the right of being tried by the new Court, if the New Court had a right to try him. The article was not framed to give impunity to any preacher, but to give him his choice of trial in the cases specified in the statute

which erected the new jurisdiction. Sir W. Horne then turned to the Minutes of 1797, and read some extracts from the address of the Conference accompanying the Leeds Regulations, and commented on the expressions about the Trustees, &c., *choosing* to interfere, and the District Committees having "*hardly any* authority remaining," as tending to show that the Conference had taken no power from the old District Committees, except in the particular cases mentioned in Article 2, and then only in those instances in which the parties chose to adopt the new mode. As to Dr. Warren, he had never claimed to be tried in that mode. If the Articles of 1795 were done away with, there would remain the District Committee of preachers; if the articles of 1795 were added, there was the mixed tribunal; but if that were not formed, there would still be a court. The Trustees, &c., had not chosen to call a meeting in the present case; and if they had, he should not hesitate to say of their Court *coram non judice*. Dr. Warren was tried for publishing a certain pamphlet, a case not specified in the article on which so much stress was laid.

The Lord Chancellor.—But could the District Committee try Dr. Warren on the ground of erroneous doctrines?

Sir W. Horne was not reduced to the necessity of answering that question. They had not tried Dr. Warren for erroneous doctrines.

The Lord Chancellor.—But supposing that a preacher were charged with preaching erroneous doctrines before a District Committee. How would they try him? According to the Rules of 1791, 1792, 1793? Or according to any subsequent rule?

Sir W. Horne repeated that he was not reduced to the necessity of giving his Lordship an answer. But he should say, that such an offence ought not to go untried, and that the old District Committee had not lost its jurisdiction.

The Lord Chancellor.—But supposing he were to be tried for erroneous doctrines by a District Committee. It is said, "no preacher shall be suspended or removed by any District Committee, except he have the privilege of the trial before mentioned." Then you must put another restriction upon it besides what is put upon it by the Articles.

Sir W. Horne said, his argument was, that there were two jurisdictions. It could be no privilege to a man to be tried by a Court which had no right to try him. For a certain offence there was a certain tribunal. Let the Articles be blotted out, and a man might be tried for any offence he could commit. The Articles might be brought to bear upon particular offences, but not on that which had been committed by Dr. Warren. What was his offence? It was not immorality; but there was an early Minute of the Conference which provided that no preacher should print or publish any thing which transpired in the Conference.

The Lord Chancellor.—I cannot get rid of this difficulty which teases me. A preacher may be tried on the accusation of another, and he may be removed or suspended; but no preacher shall be removed or suspended, unless he have the privilege of this trial;—then he can only be suspended when tried as declared in that Article. You say that he may be tried for erroneous doctrines by a District Committee;—can he be suspended?

Sir W. Horne.—Yes.

The Lord Chancellor.—Then you try him, and suspend him; and yet it is here said, he is not to be suspended till he has had the privilege of the above trial!

Sir W. Horne.—He contended that it was optional on the part of the Trustees. Then as to the punishment. They might remove him from his circuit, but that was a trifling punishment compared with suspension; it was suspension from all spiritual functions; it amounted to total silence.

Sir C. Wetherell.—But section 5 says, you shall *neither suspend nor remove*.

Sir W. Horne.—Supposing there were no such Articles, they had full right to try and to remove.

The Lord Chancellor.—You say you could have tried him by a District Meeting for erroneous doctrines, and have found him guilty and suspended him. How do you, then, get rid of the difficulty in which this Article places you? Your argument runs consistently enough, provided you get rid of this clause. That clause was unnecessary as to the former Articles; it must, therefore, have reference to something which the District Committee could try.

Sir W. Horne.—The Article only said, that he should be *considered as removed*. Then the old Court were called upon to act as to the remainder.

The Lord Chancellor.—I do not find it necessary to call in any other power to consummate the act of the meeting. When it is said, that if the majority believe him to be guilty, he shall be considered as removed, though another body may becalled in to fill up the vacancy, they are not needed to supply any deficiency in the former Court.

Sir W. Horne maintained, that it never could be the intention of Conference to do away any former powers.

The Lord Chancellor.—There are many difficulties about the case. In what mode are the District Committee to give the preacher the privilege and benefit of this trial?

Sir W. Horne.—It applied only to the mode of trial in which the Trustees, &c. were allowed to interfere. He repeated it, that Dr. Warren did not fall within the jurisdiction of that Court. There were many things which those Articles did not provide for; many inconsistencies; many things not at all immoral. Supposing it to be so, they had done all that was required as to Dr. Warren. He was furnished with a copy of the accusation: the meeting was duly convened by the Chairman. Dr. Warren attended the meeting, and never pleaded to the jurisdiction. Sir W. Horne then detailed the particulars connected with the meeting at Manchester, the removal of Mr. Bromley, &c.

The Lord Chancellor.—I wish you would point me to a particular clause which gives the District Meeting power to remove a preacher.

Sir W. HORNE said he did not know that he could. In 1791 the power, he believed, was in the assistant; in 1792, it was changed to the Chairman.

Several voices—"No, no!"

The LORD CHANCELLOR.—I have turned to those Articles, but there is no provision for removal. It is a great pity when people legislate that they do not consider a little. (Laughter.)

Sir W. HORNE observed, that such matters had very frequently occurred, and there had never been any appeal to the Court before.

The LORD CHANCELLOR.—I read here as to the appointment of a Chairman, as to giving notice to the parties, and so on; but where is the party to remove the guilty preacher?

Sir W. HORNE believed that no power was given in express terms.

The LORD CHANCELLOR.—Where is the power given to remove him if he is contumacious; if he won't obey the summons?

Sir W. HORNE.—His Lordship would recollect the third clause. But if they had power to summon and to examine, it be might fairly inferred that they bad power to punish for contumacy, even if no express rule could be found.

The LORD CHANCELLOR.—As you rely so fully on these clauses of various years, I have them all in my recollection, and I wish to show you that nothing has escaped me. You say that because in 1791 the assistant had authority to summon the preachers and form a Committee, you *infer* that the Committee had power to try, to suspend, and to remove; and that because in 1792 the Chairman had power to summon the Committee and examine into any charge, you *infer* that they had power to suspend and to remove; and that because in 1793 the Committee might suspend for immorality, you *infer* that they might suspend for erroneous doctrines, or for any other crime. You say that 'tis to be *inferred* from its very appointment that the District Court has power to meet, to try, to suspend, and to remove, and if so, you *infer* they may suspend for *contumacy!*

Sir W. HORNE.—Yes; but his observations were not all inferential. It was a fact, that during the life of Mr. Wesley such power had been exercised.

Sir C. WETHERELL thought it had never yet been proved that such autocratic power had ever been acted upon.

Sir W. HORNE.—And yet he could not but remember how prettily it was argued on the other side that Mr. Wesley was a Pope, and that he had acted despotically. Numerous affidavits would show how frequently the power of the District Committee had been called into exercise.

The LORD CHANCELLOR.—If they really have jurisdiction, it is very difficult to say that they do wrong, unless it can be proved that they were influenced by bad motives. One rule says, that in any critical case a meeting of the District may be summoned, and that inquiry may be instituted. In this case there seems to have been bad language used on both sides. If the parties acted as they thought right, and not from any bad feeling, the question seems to resolve itself simply into one of jurisdiction. It appears in the narrative, that the gentleman had a friend present at the meeting. I do not see why he should have been excluded.

Sir W. HORNE then stated the facts in reference to the Special District Meeting held at Manchester. He afterwards referred to the numerous instances in which the *usages* of the Society justified all that had been done in the case of Dr. Warren.

The LORD CHANCELLOR.—When the District Committees have found a preacher guilty, what sentences have they passed *besides* suspension and removal?

Sir W. HORNE did not know exactly; but he supposed censure or admonition.

The LORD CHANCELLOR.—Might not the fifth Article read thus:—No District Committee shall pass sentence of suspension or removal upon any preacher, unless he have the privilege of trial by means of the mixed tribunal? That would leave the District Committee independent power in minor cases, and meet the difficulty.

Sir W. HORNE.—It would be very strange if cases of importance should be allowed to pass without cognizance.

The LORD CHANCELLOR.—Why, the Articles do state many important, many glaring offences. If they think him guilty, and find him to be so, he shall be so treated. And then the Rules might be made to harmonise. He shall not be punished *so severely as by removal or suspension*, except he have the privilege of such trial. When I read the preamble, or letter accompanying the Articles of Pacification, and find them classed regularly under distinct heads, it shows that the matter had been well considered, and that the Rules were intended to be permanent. I don't see, Sir William, how your arguments bear upon the question at issue: there seems to be provision in these Articles for immorality, for errors in doctrine, and for breach of discipline.

Sir W. HORNE said, that he had endeavoured to meet the arguments of his learned friends. As to discipline, it was difficult to say what kind should be exercised. He might think, that the discipline exercised in the Established Church was sufficient. He concluded by briefly recapitulating his arguments. Dr. Warren's case, he considered as not coming within the range of the Articles; and he could scarcely avoid thinking, that the objections which were raised to the jurisdiction, arose from a desire to escape with impunity from jurisdiction at all.

The LORD CHANCELLOR said, that he would hear Mr. Rolfe in the morning. He wished him, in the mean time, to consider the bearing of the clause which had been the subject of so much investigation. For without that clause, he considered the Court in the Articles of Pacification complete.

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Friday, March 20.

Mr. ROLFE commenced by observing, that it would be perfectly absurd to suppose that the regulations and articles contained in the Minutes of Conference were to be construed in the way in which it was usual to construe Acts of Parliament. The volumes of the Minutes contained what, in one sense, might be called the Code of Laws of Methodism, but any thing less like the form of law, it

never occurred to any body to see. The framers of them had acted as religious men, one of whose principles it was to have nothing to do with law.

The LORD CHANCELLOR.—It is a great pity their rules are so loosely drawn up.

Mr. ROLFE.—His Lordship had remarked that the mode of question and answer was not a bad mode for legislation. It might be so if the questions were well put, and the answers suitably returned. (Laughter.)

The LORD CHANCELLOR.—Why, it might have been done better if they had been drawn up by a Chancery lawyer. (Laughter.)

Mr. ROLFE.—But what was the opinion of Mr. Wesley on that subject? "Question.—Are our preaching-houses settled in our form safe? Should we not have the opinion of a counsel? Answer. —I think not. (Laughter.) 1. Because the form was drawn up by three eminent counsel. But, 2. It is the way of every counsel to blame what another counsel has done.' (Much laughter.)

The LORD CHANCELLOR.—That is only when they are on opposite sides. (Laughter.)

Mr. ROLFE.—"But you cannot at all infer that they *think* it wrong, because they *say* so."

The LORD CHANCELLOR.—When was that?

Mr. ROLFE.—In 1767.

The LORD CHANCELLOR.—Ah! things have been reformed since then. (Laughter.)

Mr. ROLFE.—"3. If they did in reality *think* it wrong, that would not prove that it *was* so. 4. If there was, which I do not believe, some defect therein, who would go to law with the body of Methodists?" (Much laughter.)

The LORD CHANCELLOR.—But it is to be regretted that one part of the body of the Methodists should go to law with the other.

Mr. ROLFE.—Those extracts showed that Mr. Wesley wished to keep clear of legal proceedings. Mr. Rolfe then read some interesting extracts from the Minutes of the Conference of 1766, in which Mr. Wesley explained the way in which he became gradually possessed of power, and the way in which, according to his own words, he exercised that power in appointing, suspending, or removing his preachers, or helpers, as he thought fit.

During Mr. Wesley's life, said Mr. Rolfe, I state, and I think I may state it without the fear of contradiction by my learned friend, Sir Charles Wetherell, that Mr. Wesley was quite omnipotent on the subject. He removed just whom he thought fit, and he suspended just whom he thought fit.

The LORD CHANCELLOR.—That has been stated before, and denied; therefore, you must satisfy me that it was so. I suppose he did. I rather think, from some passages I have seen, that it was so. It appears to have been so.

Mr. ROLFE.—My Lord, I will do that. In the Minutes of 1776, page 58, this occurs.—"Question. But what power is this which you exercise over all the Methodists in Great Britain and Ireland? —Answer. Count Z. (that is Zinzendorf) loved to keep all things closely. I love to do all things openly; I will, therefore, tell you all I know of the matter, taking it from the very beginning.—1st, In November, 1738, two or three persons who desired to flee from the wrath to come, and then seven or eight more, came to me in London, and desired me to advise and pray with them. I said, 'If you will meet me on Thursday night, I will help you as well as I can.' More and more then desired to meet with them, till they were increased to many hundreds. The case was afterwards the same at Bristol, Kingswood, Newcastle, and many other parts of England, Scotland, and Ireland. It may be observed, the desire was on their part,—not mine. My desire was to live and die in retirement; but I did not see that I could refuse them my help, and be guiltless before God. Here commenced my power,—namely, *a power to appoint when, and where, and how they should meet, and to remove those whose life showed that they had no desire to flee from the wrath to come.* And this power remained the same, whether the people meeting together were twelve, twelve hundred, or twelve thousand." That's perfectly accurate reasoning. It's ridiculous to talk to a man about his being allowed to interfere, or what authority rested in him, if he was able to do whatever he pleased at any moment "2ndly, In a few days some of them said, 'Sir, we will not sit under you for nothing. We subscribe quarterly.' I said, 'I will have nothing; my fellowship supplies me with all, and more than I want." Again: "In 1744, I wrote to several clergymen, and to all who then served me as sons in the Gospel, desiring them to meet me in London, to give me their advice concerning the best method of carrying on the work of God." After a time a young man came, T. Maxfield, and said—"That he desired to help me as a son in the Gospel. Soon after came a second, Thomas Richards, and a third, Thomas Westall. These severally desired to serve me as sons, and to labour when and where I should direct. Observe, these likewise desired me, not I them." Those were the Preachers who afterwards increased to great numbers, but who were the origin of the body of Methodist Preachers. "But I durst not refuse their assistance. And here commenced my power *to appoint each of these when, where, and how to labour; that is, while he chose to continue with me; for each had a power to go away when he pleased, as I had also to go away from them, or any of them, if I saw sufficient cause.* The case continued the same when the number of Preachers increased. I had just the same power still, to appoint when, and where, and how each should help me; and to tell any, if I saw cause, 'I do not desire your help any longer.' On these terms, and no other, we joined at first: on these we continued joined;"—that is, "we continued joined, I having the power to say, 'Depart from me, I have no further need of your assistance.'" "But they do me no favour in being directed by me. It is true my reward is with the Lord; but at present I have nothing from it but trouble and care, and often a burden I scarce know how to bear." I believe we may remark, whatever opinions we may have upon other subjects, that Mr. Wesley entertained feelings of the most perfect disinterestedness. Nobody ever entertained a particle of doubt upon that. He cared for nothing, except that influence of character which he enjoyed, and which was the necessary consequence of the course he lived. Well —"In 1744, I wrote to several clergymen, and to all who served me as sons in the Gospel, desiring them to meet me in London, to give me their advice concerning the best method of carrying on the

work of God. This was the origin of the Conference. *They* did not desire this meeting, but *I* did, knowing that in a multitude of counsellors there is safety; and when their number increased, so that it was neither needful nor convenient to invite them all, for several years, I wrote to those with whom I desired to confer, and these only met at the place appointed; till, at length, I gave a general permission that all who desired it might come.—Observe,—I myself sent for these, of my own free choice; and I sent for them to *advise*, not *govern* me. Neither did I, at any of those times, divest myself of any part of that *power* above described, which the Providence of God had cast upon me, without any design or choice of mine. What is that power? It is a power of admitting into, and excluding from, the Societies under my care: of choosing and removing Stewards,—of receiving or not receiving Helpers,—of appointing them, when, where, and how to help me,—and of desiring any of them to meet me when I see good And as it was merely in obedience to the Providence of God, and for the good of the people, that I at first accepted this power, which I never sought, nay, a hundred times laboured to throw off, so it is on the same considerations, not for profit, honour, or pleasure, that I use it at this day.—5th. But several gentlemen are much offended at my having so much power. My answer to them is this:—I did not seek any part of this power; it came upon me unawares; but, when it has come, not daring to bury that talent, I used it to the best of my judgment. Yet I never was fond of it. I always did, and do now, bear it as my burden, the burden which God lays upon me, and therefore I dare not lay it down. But if you can tell me one or any five men to whom I may transfer this burden, who *can* and *will* do just what I do now, I will heartily thank both them and you. But some of our Helpers say,"—those are Preachers,—"This is shackling free-born Englishmen, and demand a *free Conference;* that is, a meeting of all the Preachers, wherein all things shall be determined by most votes. I answer, it is possible, after my death, something of this kind may take place, but not while I live."

Sir C. WETHERELL.—No.

Mr. ROLFE.—No! my learned friend, Sir Charles Wetherell, says "No;" but he will find that he is mistaken, because it turns out that Mr. Wesley himself altered his mind afterwards. "To me the Preachers have engaged themselves to submit, to serve me as *sons in the gospel;* but they are not thus engaged to any other man, or number of men besides. To *me* the people, in general, will submit; but they will not yet submit to any other. It is nonsense, then, to call my using this power, 'shackling free-born Englishmen.' None need to submit unless he will; so there is no shackling in the case. Every Preacher and every Member may leave me when he pleases; but, while he chooses to stay, it is on the same terms as he joined me at first. But this is arbitrary power; this is no less than making yourself a Pope."—"Why," says Mr. Wesley, in answer to that,—"If by arbitrary power you mean a power which I exercise singly, without any colleagues therein; but I see no hurt in it;" but nobody need to submit to it unless he likes. My Lord, another passage to which I call your Lordship's attention, is in page 189 and 190. There is a letter here from Mr. Wesley, dated August 30, 1785, in which he gives a sort of sketch in the same way of the origin of this Union. He says, "Ever since I returned from America, it has been warmly affirmed, 'you separate from the Church.' I would consider how far, and in what sense, this assertion is true. 2d. Whether you mean by that term the building so called or the congregation. It is plain that I do not separate from either, for wherever I am, I go to the Church, and join with the congregation. 3d. Yet, it is true that I have, in some respects, varied, though not from the doctrines, yet from the discipline of the Church of England, although not willingly, but by constraint. For instance, above forty years ago, I began preaching in the fields, and that for two reasons." Then he gives the origin of this; and he goes on to say. "6th. When these were multiplied," that is the Preachers of the Society in London, "I gave them an invitation to meet me together at my house at London,"—that is the Preachers,—"that we might consider in what manner we could most effectually save our own souls, and them that heard us. This we called a *Conference*. (Meaning thereby the persons, not the conversation they had.) At first I desired all the Preachers to meet me, but afterwards only a select number." Well, my Lord, I have read these passages, for the purpose of showing what, in fact, I could hardly suppose would have been seriously disputed, because it was admitted, as I recollect, before his Honour the Vice-Chancellor, that Mr. Wesley exercised in his life time a supreme power of removing or disposing of the whole of the Preachers of the Society, just as he thought fit: and whomsoever he delegated for any purpose, he expected that they should report to him. Accordingly we find that so long back as the year 1749, in the Conference of that year, the business of an Assistant, as he was then called—a Superintendent now—was inquired into. This is the question,—"Has the office of an assistant been thoroughly executed?" The answer to that is,—"No, not by one Assistant out of three. For instance, every Assistant ought to see that the other Preachers behave well,—but who has sent me word whether they did or not;"—treating it as a matter that nobody would dispute, that the duty of seeing whether the other Preachers behaved well, was a duty to be executed by the Assistants, and that the result of the inquiry was to be made known to Mr. Wesley himself. Then he says—"Leave no stone unturned, let none print anything of his own, till it has been approved of by the Conference;" clearly pointing to this, that it was a matter admitted in the laws of Methodism as then constituted, that every thing was to be reported to Mr. Wesley as the supreme head of the whole; and, as a necessary consequence flowing from that, according to his own reasoning, he could remove just whom he pleased, and there was no other authority that could controul him. So the matter stood, my Lord, till that which has been very imperfectly called to your Lordship's attention, namely, the execution of a Deed in the year 1784.

Although Mr. Wesley had the supreme authority over those Societies during his life-time, that happened which all would naturally have anticipated, that, about the year 1784, when Mr. Wesley must have been 80 years of age, the Society having greatly extended itself, he was anxious to have the co-operation of somebody, who would take the governing part of the communion partially out of his hands. The effects of age had shown themselves, I suppose, upon Mr. Wesley, as they do upon others; and consequently a Deed Poll was executed, and a body of one hundred preachers was actually named by

that Deed Poll, dated 28th of February. 1784. That Deed Poll began by reciting a number of chapels that had been devoted to Wesleyan purposes, and then it says—" Now, therefore, these presents witness, that for accomplishing the aforesaid purposes, the said John Wesley doth hereby declare, that the Conference of the people called Methodists, in London, Bristol, or Leeds, ever since there hath been any yearly Conference of the said people called Methodists in any of the said places, hath also heretofore consisted of the Preachers and Expounders of God's holy word, commonly called Methodist Preachers, in connexion with, and under the care of, the said John Wesley, whom he hath thought expedient year after year to summon to meet him, in one or other of the said places of London, Bristol, or Leeds, to advise with them for the promotion of the gospel of Christ, to appoint the said persons so summoned, and the other Preachers and Expounders of God's holy word, also in connection with, and under the care of, the said John Wesley, not summoned to the said yearly Conference, to the use and enjoyment of the said chapels and premises, so given and conveyed, upon trust, for the said John Wesley and such other person and persons as he should appoint during his life as aforesaid, and for the expulsion of unworthy and admission of new persons, under his care, and into his connexion, to be Preachers, Expounders as aforesaid, and also of other persons upon trial for the like purposes, the names of all which persons so summoned by the said John Wesley, the persons appointed, with the chapels and premises to which they were so appointed, together with the duration of such appointment, and the names of those expelled or admitted into connexion, or upon trial, with all other matters transacted and done at the said yearly Conference, have, year by year, been printed and published, under the title of Minutes of Conference,"—and so on. And then it goes on to say, that the Conference shall consist of 98 persons, besides himself and his brother. Then there is a mode of filling up the vacancies. Then it states that " the Conference shall and may admit into connexion with them, or upon trial, any person or persons whom they shall approve, to be Preachers and Expounders of God's holy word, under the care and direction of the Conference; the name of every such person or persons, so admitted into connexion or upon trial as aforesaid, with the time and degrees of the admission, being entered in the Journals or Minutes of the Conference." " That no person shall be elected a member of the Conference, who hath not been admitted in connexion with the Conference, as a Preacher or Expounder of God's holy word as aforesaid, for twelve months." " That the Conference shall not nor may nominate or appoint any person to the use and enjoyment of, or to preach and expound God's holy word in, any of the chapels and premises so given or conveyed, or which may be given or conveyed upon the trusts aforesaid, who is not either a member of the Conference, or admitted into connexion with the same, or upon trial as aforesaid, nor appoint any person for more than three years successively, to the use and enjoyment of any chapel and premises, already given, or about to be given, or to be given or conveyed, upon the trusts aforesaid, except ordained ministers of the Church of England," and so on;—giving them the utmost powers it was possible for language to give. Now, my Lord, so stood the matter then, up to the death of Mr. Wesley. In his life-time, *the whole power of regulating this body, and saying who shall be in it, or who shall be out of it; of expelling, suspending, removing, or disposing of them, if you please, was originally solely in Mr. Wesley; and afterwards in the Conference*, Mr. Wesley and his brother being of necessity two constituent parts or members of the Conference. My Lord, the Conference, your Lordship will observe, was constituted entirely of ecclesiastical persons—entirely of preachers. I don't know that the word *ecclesiastical* can be properly applied to them—but of men who were preachers, or " helpers," as they were called. No lay persons had the smallest power in regulating the proceedings; for this reason—no lay person could be a member of this Conference. Mr. Wesley scouts the notion of a Conference, in which lay persons could be admitted. He says, I consult my preachers just as I please; and the Conference is founded on the presumption, that every member of it was to be a preacher. There is a remarkable proof of the tenacity with which Mr. Wesley adhered to this, in this circumstance:—Mr. Wesley died in 1791; " in 1788, the Trustees of a chapel at Dewsbury," I am now reading from the affidavit, " in connection with the said Wesleyan-Methodist Society, claimed a full power to exclude any of the preachers sent to them, at their sole pleasure, and to be the disposers of the property of the subscribers to the preaching-house at their will; and in answer to such claim the said John Wesley addressed and sent a letter to the said Trustees, which is stated in the said book; which book is mentioned above, and is as follows, that is to say,—' To the Trustees of Dewsbury, London, July 30th, 1788.—My dear brethren,—The question between us is, by whom shall the preachers sent from time to time to Dewsbury be judged? You say by the Trustees—I say, by their peers, the preachers met in Conference. You say, give up this, and we will receive them—I say, I cannot, I dare not, give up this; therefore, if you will not receive them on these grounds, you renounce your connection with your affectionate brother, JOHN WESLEY." Nothing can more strongly indicate that this had been the governing principle of Mr. Wesley. Mr. Wesley was, in the origin of this society, the sole governor of it, and he remained so up to 1788, a period very shortly before his death. He would never hear of any such principle at all, as that there should be any jurisdiction in the laymen over the spiritual persons he appointed from time to time to preach among them. It is obvious that must have been Mr. Wesley's view of the case, and for this reason:—Mr. Wesley was himself an academic member of the Church of England, a fellow of one of the colleges.

The LORD CHANCELLOR.—What college?

Mr. ROLFE—Lincoln College, my Lord. And he looked to that with the utmost tenacity to the latest period of his life. Throughout all the earlier proceedings, there are innumerable proofs that Mr. Wesley was always indignant whenever any body belonging to his Connexion was called a Dissenter. He said, " I think the Church is too inactive; that it does not consistently discharge the important functions committed to its care; and I am anxious, so far from dissenting from the Church, to contribute to the efficacy of the Church, by showing that I am a more than ordinary zealous member of that community." And consequently, amongst the very earliest proceedings that took

place, namely, in the year 1744, we have this: "What is the Church of England?—Answer. According to the 20th Article, the visible Church of England is the congregation of English believers, in which the pure Word of God is preached, and the Sacraments duly administered. But the word Church is sometimes taken in a looser sense, for a congregation professing to believe. So it is taken in the 26th Article, and in the 1st, 2nd, and 3rd Chapters of the Revelation.—Question. What is a member of the Church of England? A. A believer, hearing the *pure Word* of God preached, and partaking of the Sacraments duly administered in that Church.—Q. What is it to be zealous for the Church?—A. To be earnestly desirous of its welfare and increase: of its welfare, by the confirmation of its present members in faith, hearing, and communicating; and of its increase, by the addition of new members.—Q. How are we to defend the doctrine of the Church?—A. Both by our preaching and our living.—Q. How should we behave at a false or railing sermon?—A. If it is only certain personal reflections, we may quietly suffer it; if it blaspheme the work and Spirit of God, it may be better to go out of the church. In either case, if opportunity serve, it would be well to speak or write to the minister.—Q. How far is it our duty to obey the Bishops?—A. In all things indifferent. And on this ground of obeying them, we should observe the canons so far as we can with a safe conscience.—Q. Do we separate from the Church?—A. We conceive not. We hold communion therewith for conscience sake, by constantly attending both the Word preached and Sacraments administered therein.— Q. What, then, do they mean who say you separate from the Church?—A. We certainly cannot tell. Perhaps, they have no determinate meaning, unless by the Church they mean themselves; that is to say, that part of the clergy who accuse us of preaching false doctrine. And it is sure we do herein separate from them, by maintaining that which they deny.—Q. But do you not weaken the Church?—A. Do not they who ask us this, by the Church mean themselves? We do not purposely weaken any man's hands. But accidentally we may thus far: they who come to know the truth by us, will esteem such as deny it less than they did before. But the Church, in the proper sense, the congregation of English believers, we do not weaken at all." And, my Lord, I could repeat passages of that sort without end, which I have made extracts of from this book up to the latest period of Mr. Wesley's life; but they would detain your Lordship unnecessarily; they merely point to this, that that was the governing principle of Mr. Wesley's mind up to the last of his life. Well then, was it ever in the contemplation of Mr. Wesley that a lay person should sit in judgment upon an individual, as to whether he should preach or not. No such thing ever entered into his mind. He said,—"I live and die in the Church of England, and nobody but spiritual persons shall have any authority in judging their Preachers." That was the state of things when Mr. Wesley died, early in the year 1791. My Lord, very shortly before Mr. Wesley's death, or at least in the course of that year, the Conference met. Your Lordship will naturally have inferred from that letter of Mr. Wesley's, which I have read, addressed to the Trustees of the Dewsbury chapel, that which, indeed, we may see from the whole course of this book was the case, that about the period of Mr. Wesley's death, somewhat more, perhaps, after it than before it, but about the period of his death, this body having become extremely numerous, not so much so as it is now, but extremely numerous, there began to arise dissensions in their own Body. Questions arose as to the relative power of the people and the Preachers; questions arose as to the power of the people, the laity, to interfere; and Mr. Wesley saw that this might lead to very considerable difficulties after his death. My Lord, immediately, at the first Conference after Mr. Wesley's death, which took place on the 17th of July, 1791, the Conference assembled, and being then influenced by the consideration of the loss which the Society had experienced in the death of its Founder, the first act which I find recorded in the Minutes of that year, was to read a letter which had been written in a very solemn way by Mr. Wesley, a few years before his death, on this subject. That letter was dated the 7th of April, 1785, and it is in page 233.

The Lord Chancellor.—Where is that, do you say?

Mr. Rolfe.—In page 233, my Lord. The first act of the Conference in 1791, was to read this letter. "To the Methodist Conference—My dear brethren,—Some of our travelling Preachers have expressed a fear that, after my decease, you would exclude them, either from preaching in connexion with you, or from some other privileges which they now enjoy. I know no other way to prevent any such inconvenience than to leave these my last words with you." Some of them, your Lordship sees, that is some of the Preachers, had expressed a fear that they would be excluded from preaching in the Connexion, or from the privileges which they then enjoyed. "I beseech you, by the mercies of God, that you never avail yourselves of the Deed of Declaration to assume any superiority over your brethren:"—that is the Deed of 1784 to which I have referred,—"but let all things go on amongst those Itinerants, who choose to remain together, exactly in the same manner as when I was with you, so far as circumstances will permit. In particular, I beseech you, if you ever loved me, and if you now love God and your brethren, to have no respect of persons in stationing the Preachers, in choosing children for Kingswood School, in disposing of the yearly contributions and the Preachers' Fund, or any other public money, but do all things with a single eye, as I have done from the beginning. Go on thus, doing all things without prejudice or partiality, and God will be with you even to the end.—John Wesley." Then it is stated, that "the Conference have unanimously resolved, that all the Preachers who are in full connexion with them, shall enjoy every privilege that the members of Conference enjoy, agreeably to the above-written letter of our venerable deceased father in the gospel." Now, your Lordship sees what was the first difficulty that presented itself after Mr. Wesley's death. The Conference are made supreme. Certain of the Travelling Preachers, but not members of the Conference, who were by this Deed of Declaration made supreme, feared that the Conference might expel them from the chapels in which they were preaching. The first act of the Conference, after Mr. Wesley's death, therefore, is to read and record amongst their proceedings this solemn sort of letter from Mr. Wesley, and immediately, as the first act subsequently of that Conference, to confirm all the then existing Preachers, in the different stations in which they were placed.

Mr. Rolfe then proceeded to give an account of the division of the kingdom into districts, after the death of Mr. Wesley; and the regular transmission of supreme power from Mr Wesley to the Conference, and from the Conference to the District Committees. Then he described the economy of Methodism as it respected the formation of Classes, Societies, Circuits, and Districts, and came to the more particular examination of the successive laws which were issued for the regulation of the Circuits and Districts, and the preservation of purity and good order among the preachers. He explained the way in which the preachers were chosen, and the degrees through which they passed till they became members of the Conference. The line of argument which Mr. Rolfe adopted in reference to the Rules of 1791, 1792, 1793, and 1794, was much the same as had been pursued by Sir W. Horne, contending that full and absolute power was given by those Rules to the District Committees, who had authority to try the preachers for any offence, and to inflict the punishment of suspension or removal in those cases where it was deemed needful. In answer to an inquiry from his Lordship, Mr. Rolfe explained the difference between itinerant and local preachers;—the latter he described as a very inferior class of preachers, who lived in particular places. They were laymen, and were mostly engaged in business; but they had a sort of privilege to preach, chiefly in villages and small places. They were paid nothing, he believed, for their labour, as preachers. They were chiefly illiterate men, and from their want of education, as well as from their being engaged in business, they had sometimes brought the cause into a degree of contempt.

The Lord Chancellor.—Do they preach in chapels?

Mr. Rolfe seemed scarcely to be able to answer this question; but some remark being made by some gentleman near him, he said, they preach in some chapels, I believe, but with them we have nothing whatever to do. Whenever your Lordship sees the expression *travelling* or *itinerant* preacher, you may take it as a Preacher who is in full union—full connexion with the Conference; and the character of itinerant Preachers is, that they are all in the nature of having no homes.

The Lord Chancellor.—They are gentlemen of education, I suppose.

Mr. Rolfe.—Yes, oh, yes, my Lord.

The Lord Chancellor.—Because one, at first view, would have taken just the reverse notion of it, and considered that the local Preachers, and not the others, were the respectable and educated Preachers.

Some other questions being put by his Lordship as to the economy of the Wesleyan body,

Sir W. Horne said, I am afraid we have too readily taken it for granted that your Lordship was a better Methodist than you really are. (Laughter.)

The Lord Chancellor.—You must remember that this is my first lecture. I am not yet fit to sit in Conference. I am not taken into full Connexion. (Much laughter.)

Mr. Rolfe proceeded with his extracts from the various Minutes of Conference, for the purpose of proving his position that the absolute power which Mr. Wesley had exercised during his life-time, had been transmitted to the District Committees, and that it still resided in and was exercised by them. He dwelt at some length on the state of parties in the years 1794 and 1795. The Societies were in a very excited state, and were eagerly inquiring whether the governing bodies were not, more or less, tyrannising over them and their just rights; and they claimed, in some instances with considerable pertinacity, their right to interfere in the proceedings, and to share in the power of the Conference. In addition to those mutual jealousies, there were disputes respecting the mode of administering the Sacraments: the degree of separation from the Established Church which it was proper to evince, &c. &c. Hence great concessions were made by the preachers to the lay portion of the community, and a mixed tribunal was set up for the examination and trial of the preachers for particular crimes. As to passing sentence, however, and inflicting punishment, the power of the laity was greatly limited: they might proceed in conjunction with the clerical body, so far as to remove a preacher from the circuit in which he had laboured, but the power of suspending was confided solely to the clerical portion, the regular District Committee. Mr. Rolfe then proceeded to a minute examination of the Articles of Pacification, which some gentlemen had called the Magna Charta of Methodism.

Sir C. Wetherell.—I called it the Bill of Rights. (Laughter.)

Mr. Rolfe, having examined the various provisions of the Articles *seriatim*, and commented at some length upon them, came to the consideration of the fifth Article. That article, it had been said, took away the right which the District Committee possessed by the Rules of 1791, &c.; that he could not agree to. The trial was spoken of as *a privilege;* it could not then refer to the circumstance of *the Trustees*, &c., being part of the tribunal. What privilege could it be to have persons sitting in judgment upon him who were at variance with him? The tribunal of 1794 was made up by the officers of the Circuit chiefly, so that he might be placed in a perilous condition; but, by the law of 1795, he was to have all the preachers of the District to be with him.

The Lord Chancellor.—With whom is the power to remove or suspend?

Mr. Rolfe.—The mixed tribunal might remove: the District Committee, the ecclesiastical body alone, had power to suspend.

The Lord Chancellor.—Do you mean to say that the fifth clause is to be explained by comparing the mode of trial with that of 1794?

Mr. Rolfe.—Yes.

The Lord Chancellor.—Then the privilege consists in the preachers having a larger number of preachers present?

Mr Rolfe.—Yes; in a Circuit there would be two or three preachers only; in the District there would be twenty or thirty. The meaning seemed to be, that no preacher accused by the lay-officers should be removed or suspended, unless he had the privilege of trial by the preachers of the District, &c.

The LORD CHANCELLOR.—That is unnecessary; for if he is to be tried and suspended by the mixed tribunal, that would be no privilege. If you can apply it to the rule of 1794, it is all very well.

Mr. ROLFE.—It could be no privilege to have a number of persons in an adverse position forced upon him; but it would be a privilege to have with him a number of preachers to enable him to cope with them.

The LORD CHANCELLOR.—But sometimes it might be a greater privilege to be tried by laymen than by the clergy.

Mr. ROLFE.—No: for the mixed tribunal was not to be called till the majority of the Trustees, &c., believed the preacher to be guilty. A majority, therefore, of the judges.

Sir C. WETHERELL.—Oh! no.

Mr. ROLFE.—It might be so or not. For himself, he should prefer the clerical body without any mixture of laity at all. As to the expression, the trial before-mentioned, he regarded it as meaning *in the cases* before-mentioned. Mr. Rolfe then said, that in speaking of the meaning of Methodist laws, it was important to know in what light the Methodist Body considered them. There was a small pamphlet which was called "The Larger Minutes," which contained a collection of the laws; it was published in 1797.

Sir C. WETHERELL would remind his Lordship that the book put into his hand was the book which contained all the old rubbish. (Laughter, except from Mr. Newton and his friends, who were anxious to keep the more recent edition out of sight, whenever it was proposed to introduce it.) Whereas the little yellow book of 1833 contained the Articles of 1795, and left out all the rubbish.

Mr. ROLFE said that there was an affidavit, stating that the pamphlet was published by the direction of Conference, and contained regulations as to the order of Districts.

The LORD CHANCELLOR.—It contains some singular regulations. Here is one to prevent nervous disorders. (Much laughter.)

Sir W. HORNE.—And another in which taking drams even to cure the colic is prohibited. (Laughter repeated.)

Mr. ROLFE.—Yes! and snuff was forbidden. But all the rules of 1791, &c., were contained in that collection *totidem verbis*. If the Conference had power to make laws, it had surely power to say what those laws should be.

The LORD CHANCELLOR.—One of the laws is, "Say nothing in the Conference but what is strictly necessary, and to the point in hand." (Laughter.)

Mr. ROLFE.—Who, after reading that book, would contend that the power was taken away from the District Committees, and that they were not at liberty to act as they thought fit?

Sir C. WETHERELL said that the pamphlet was superseded by a more recent edition, in which the Rules of 1791, 1792, and 1793, were omitted, while the Articles of 1795 were preserved entire. He referred also to the affidavit of Dr. Warren, which we have given in another place.

The LORD CHANCELLOR.—I don't think this can be regarded as a code of laws. "After preaching, drink a little lemonade; or take a little candied lemon or orange peel." (Much laughter.) I consider neither one nor the other as the code of laws, nor binding. I shall be guided by the Minutes.

Mr. ROLFE, having commented upon several other portions of the Minutes, referred to the *usages* of the Connexion and the numerous cases, seventy-six of which were sworn to, of trials, suspensions, &c., which had taken place before tribunals precisely similar to that which was now sought to be repudiated. More instances might have been produced, but seventy-six were as good for the purpose as 760.

Sir C. WETHERELL.—I think they are quite so, indeed.

Mr. ROLFE was then about to read, as a specimen, the case of the suspension of the Rev. J. R. Stephens, but it was overruled. He observed also that in that case, as in many others, Dr. Warren had been present, and in more than one had assented to what was done. In drawing towards a conclusion, he said that the Conference was possessed of supreme legislative as well as judicial power, and might from time to time enact what laws they thought fit. Even if the law of 1791, or any other law, had become obsolete, it was quite competent to them at any sitting to revive it. They might set up District Meetings, and clothe them with whatever powers they pleased. His friend, Sir C. Wetherell, had referred to the case of general warrants.

Sir C. WETHERELL.—Just so.

Mr. ROLFE.—Just so! but he meant to show that it was not just so. (Laughter.) In reference to what had been said in that case, he would observe that the Court of King's Bench was only the interpreter and not the maker of laws; but the Conference had the power of making laws, or of altering the existing laws whenever it believed them to be wrong. Independent of the value of usages as to the *interpretation* of documents, they were valuable as showing power. It was quite competent to the Conference to legislate, and to take from or add to, the power of any law just as it thought fit.

The LORD CHANCELLOR.—Might not the fifth clause be considered as limiting the power of the District Committee, without taking it away?

Mr. ROLFE.—No; certainly not.

The LORD CHANCELLOR.—Oh! then you explain it by reference to usages. They might have power to remove or censure, and yet not to suspend.

Mr. ROLFE believed, that it was intended that they should have the most ample powers to try, to suspend, or to remove any preacher, during the intervals of Conference. Dr. Warren, in his very able pamphlet, had admitted that such had been the usage, time immemorial.

The LORD CHANCELLOR.—The Conference has certainly the power to make laws, but does it follow that they must necessarily be laws? Suppose that they decide contrary to right, would their making a new law make it legal? I grant that where no other body has power to interpose, it makes law. If the House of Lords, for instance, frames an Act, it is law, because there is no higher tribunal. But here there is an appeal.

Mr. ROLFE.—But, my Lord, I will put this case to your Lordship. An Act of Parliament has been passed, taking away, except in certain instances, the jurisdiction of this Court in matters of Bankruptcy, but there is an appeal to the House of Lords. Suppose the House of Lords, in the teeth of those statutes that regulate the present Court of Review, should, from time to time, continue, by a series of decisions for the next thirty or forty years, to decide that this Court had jurisdiction,—in the very teeth, I say, as it were, and in contradiction to the statute of the first of his present Majesty, could any body doubt that that was law? They might say it was very bad law; but, as the House of Lords had decided it over and over again, why it makes the law—

The LORD CHANCELLOR.—Yes! but there is no appeal from that House; here there is an appeal.

Mr. ROLFE.—No! None can alter the decision of Conference.

The LORD CHANCELLOR.—Yes; there may be an appeal to this Court.

Mr. ROLFE would not admit that.

The LORD CHANCELLOR.—What! supposing an act of Conference to be illegal, is there no appeal?

Mr. ROLFE.—None; the Conference is supreme!

The LORD CHANCELLOR.—Suppose a judicial question arises, and the Conference decides the question contrary to its own legislation?

Mr. ROLFE.—Then I should say, with great deference, there can be no appeal from that Court; and for this reason, the trust of those deeds is to permit the person who shall, from time to time, be appointed by the Conference to preach, to enjoy the chapels. The Conference is absolutely omnipotent. There is an appeal from the District Committee to the Conference, but from the Conference there is no appeal to any. Besides, the Conference is the legislative as well as the supreme judicial tribunal of this Connexion.

The LORD CHANCELLOR.—Well, supreme legislative body, but suppose it does legislate, and a judicial question should arise, and it decides that at variance, directly contrary to its own legislation.

Mr. ROLFE.—I should say, that would be so perfectly idle—

The LORD CHANCELLOR.—It might be, but if an appeal was made here, it would make it decide according to the principles of the Court. It might defeat the Court by passing a retrospective law immediately afterwards.

Mr. ROLFE said, that he knew of no rule which laid down in what words a law should be framed. The power he claimed for the Conference was irresponsible and irresistible.

The LORD CHANCELLOR.—In the second Article, four classes of offences are described, and the mixed tribunal has a right to review them. If they find a preacher guilty of any one of these offences they may remove him. Then you say that the District Committee has the very same power, and may remove him. Then you cannot deny that this is directly at variance with the words of the fifth Article.

Mr ROLFE.—Yes! he denied that it was at variance with the words.

The LORD CHANCELLOR.—You mean that it is not at variance with the *meaning* of the words.

Mr. ROLFE.—No! I say with the words.

The LORD CHANCELLOR.—Well, read the article. "No preacher shall be suspended or removed from his Circuit by any District Committee, except he have the privilege of the trial before-mentioned!" You try him for one of the offences named in the second Article, and you remove him from the Circuit; and yet he has not had the privilege of the above-mentioned trial. Then I want another objection to be removed, which is this:—the District Committee does not remove him; it has no power to remove him. Therefore, I say that the second Article does not apply: they must remove him for something else of course. I don't pretend just at present to say whether what you have said is satisfactory or not. I merely wish to know if you have said all you wish to say on the subject.

Mr. ROLFE said, that he had nothing further to offer on that point. He then read some extracts from the affidavits of Mr. Burton and others, to show that Dr. Warren was fully aware of the probable result of the proceedings of the District Meeting at Manchester. As to the improper feelings and motives which Dr. Warren had said were attributed to him, he was himself the first to make them known to the world. The communications were made to him in private,—("No, no,")—and they would have remained private, but for his own indiscreet publication. In conclusion, Mr. Rolfe intimated his belief, that the application for an injunction would fail. In one sense it was true that the case was important, but, in many senses, it was quite unimportant. As to Dr. Warren, it affected no temporal right; he had still possession of the house, and was in the receipt of his salary. The only question was, whether this or that individual should, in his turn, occupy those pulpits from March to July, in which month the Conference would have the conclusive, unappealable power of deciding. Important as the question of Methodism was, and the interests of a Body numbering close upon a million souls, it was not a question which could occupy very usefully any further portion of his Lordship's time.

Mr. PIGGOTT followed on the same side at considerable length, arguing especially on the terms of the Articles of Pacification and Trust Deeds, the latter of which he thought it most important minutely to bring to the attention of the Court; and expressing his confidence that his Lordship would come to the same conclusion as that to which his Honour the Vice-Chancellor had come, otherwise his decision might be productive of irreparable mischief amongst this highly respectable and numerous religious body.

Sir C. WETHERELL rose to reply. After the case had been opened and followed up by his learned friends on the same side for some time, his lordship had expressed his pleasure at having a little *otium;* and perhaps now the other side had been heard, he might like a little *otium* again. (Laughter.) It had been said that the present was a very trifling thing to Dr. Warren; and that, chiefly, because his rota of exercise or spiritual duty would soon come to an end. But it was not a trifling matter even in that respect, and certainly not a trifling matter in a variety of other respects. The object of the party raised against him was to fix a stigma upon his character, in consequence of the book which

he had published, and the result of the present application could not but be highly interesting to every member of the Conference, and was very important indeed to the whole Wesleyan Union which one of his learned friends had curiously enough described as a body having nearly a million of souls! (Laughter.) It was no small affair therefore. There had been instances in which to have a sentence pronounced by which a pamphlet was to be burned publicly by the common hangman, or to have a brand of censure marked upon it, had been accounted a great, an important thing. And in the present case the fact of Dr. Warren's pamphlet being burned, or marked by the public executioner, would be remembered by thousands long after he had left the Manchester Circuit. It was said that Dr. Warren had but a short time to remain in his Circuit; but he would ask his learned friend, Mr. Rolfe, who was a member of a certain assembly, supposing that he was expelled from that assembly two months before its dissolution; would it be any consolation to have it said to him, O never mind your being kicked out, you know that you could only have sat there two months longer! (Laughter.) It was an odd argument that because the duration of the period of enjoyment was short, that therefore the stigma of being deprived of it, which stigma was to continue for ever, should be regarded only as a trifle. Yet that was the present state of Dr. Warren's affairs. He was charged with being an *unprincipled man:* it was true that among some lexicographers that was not thought much of; it was scarcely a matter of complaint; it might be tranquilly regarded as a mere abstraction; it was altogether a matter of very trifling importance. But it was said that the speech of Dr. Warren was censurable, because it was calculated to produce agitation. But if he thought that the subject was one which required discussion, and if he had thirty one other preachers with him, he had an undoubted right to enter into that discussion. It was the previous disgraceful attack upon Dr. Warren, which rendered it necessary that he should explain his motives by the publication of the speech which he had delivered. The Doctor thought, and so did his counsel, that the publication of such a pamphlet ought not to have subjected him to trial in any place whatever. If the Conference had any rule, though he did not think they had, by which it was declared to be a breach of privilege to publish or circulate without doors what was done within doors, it was for the Conference to inquire into the matter, and to inflict what punishment they might deem proper. And, if he might form any judgment from the speculative affidavit which some speculative gentleman had thought proper to make, there seemed to be but little doubt that the ensuing Conference would expel him for the crime. The Conference might claim a right to do so, but the meeting by which Dr. Warren was suspended was held in the Manchester District, though it was an offence, if an offence at all, with which the Manchester District had nothing to do. They might as well have tried him in Cornwall, in Dublin, or in Edinburgh, as at Manchester. It was not a local offence: it might be a breach of privilege as to the Connexion at large, but it was not an offence committed against the Manchester District, and therefore it ought not to have been tried there. Then, again, in that cooked up meeting at Manchester, the President of the Conference was sent for to go down, under the sanction of a rule of 1797, for the purpose of trying him. There was much unfairness in that arrangement: if Dr. Warren was to be allowed to appeal to the Conference, the influence of Mr. Taylor, who sat at Manchester as his judge, would be considerable; and it was not very decent that he should sit as judge in a case as to which he would afterwards have to meet the appellant.

The Lord Chancellor.—But all the members of the District Meeting are also members of the Conference.

Sir C. Wetherell.—All he wished to show his Lordship was, that he would not have been troubled with the case, if Dr. Warren and his friends had not felt that there had been much unfair dealing, and that it had been from motives of personal feeling towards him that such charges had been preferred. The subject, therefore, was not one of trifling importance, though it had been so represented and dealt with.

The Lord Chancellor.—It has not been so considered by all. The Vice-Chancellor did not consider it of trifling importance. His Lordship then read the following sentence from "Stephens's Report of Dr. Warren's Case:"—"He (the Vice-Chancellor) could not concur in the observation made by Mr. Rolfe, that it was a matter of trifling consideration. He could not consider anything trifling which concerned not only the well-being, but also the very existence of this great body."

Sir C. Wetherell.—Well, he was happy to have the sanction of his Honour that it was a case *tanti*. (Laughter.) If any thing was to be made of the speculative affidavit which intimated that what had been done towards Dr. Warren was likely to be followed up by expulsion from the Conference, that also shewed that the case was full of importance. In short, from the station which Dr. Warren filled, and from the estimation in which he was held by the body, and in the District, and among persons in general, he could not but take the steps which he had now taken.

His Lordship being obliged to leave the Court at 4 o'clock, the remainder of the reply was postponed.

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Saturday, March 21.

The Court was again crowded at an early hour.

Sir C. Wetherell in continuing his reply hoped it would not be considered that Dr. Warren had acted on light grounds in coming before that Court as he had done. He must again refer to what he conceived to be a most indelicate arrangement of that self-constituted Court at Manchester, that Mr. Taylor should be selected and brought from a distance to preside over it, the very person with whom Dr. Warren had been engaged in a personal contest, and who, as President of the Conference, had interfered to prevent the full expression of his sentiments, and the complete vindication of his character under the pretence that he was out of order. That did appear to him (Sir C. Wetherell) to be an instance, not merely of partiality, but of contrivance, of impropriety, he was almost ready to say, of something worse, which, if he were to speak analogically, he might say would have justified a challenge

in any criminal court. He could not easily get over the circumstance that such a gentleman was sent for on purpose to sit as Chairman of that forum to try Dr. Warren. If it was not actually meant for the purpose of partiality and unfairness, it had at least such an appearance. It seemed as though it was intended that there should be a sort of polemical competition between him and Dr. Warren. If they wished in that clerical Court to show the same purity and impartiality which was generally aimed at in the other courts of the country, it should have induced Mr. Taylor to have said, I cannot act as a judge to try my late competitor as a delinquent. Any impartial judge would have said so, and would have preferred to have sat any where rather than in that Court. He did not mean to say, that it was so intended, but it certainly had the appearance of constituting for Dr. Warren a prejudiced, an unfair tribunal. Thus much he had said in reference to the moral justice and propriety of the Court. He would suppose, however, that all was right in that respect, and would proceed with his argument on the general question. His Lordship had stated, that there were difficulties on both sides, and had invited each side to meet those difficulties. The first thing he would inquire was, assuming that the publication of the pamphlet was an offence for which an individual was liable to be called to account at any tribunal, had the tribunal to which Dr. Warren had been called the attributes proper to such a tribunal, or had it not? It was assumed that there was a *corpus delicti*, for which a man was to be tried He had waited to hear that stated; he had listened to the speeches of Sir W. Horne and Mr. Rolfe, to find out what Dr. Warren was to be tried for. It was said to be for publishing a speech which he had delivered at the Conference, on a subject upon which a Committee had previously sat, to consider whether an Institution, which was proposed for the education of the young preachers, was eligible or not. It was a question which allowed of examination: it was properly brought before the Conference: Dr. Warren delivered his opinion upon it, and there could surely be no impropriety in publishing the speech so delivered at the time when the subject was brought legitimately forward. It was only for the sake of argument, therefore, that he allowed that any Court in the Wesleyan Union had a right to take cognizance of that publication, or to try Dr. Warren for issuing it. If it were necessary for the Conference to animadvert upon the subject—if he had been guilty of a breach of privilege in publishing what was delivered in the Conference, that body might have called upon Dr. Warren, and if what he had done constituted an offence, they might have put the business into any forum which they thought proper. But if it were an offence, it was not an offence against the Manchester District; it violated no duty of his office, it had no connection with his practical conduct. It was applicable only to the general principles of the Union; and it was only because he happened to be at Manchester that the venue was changed from London to that place. There he was brought before a *soi-disant* Court, and tried for what had been done in the Conference at London. It was altogether a matter *aliena fori:* it belonged entirely to another forum: it was a violation of every rule and order — of the Articles of Pacification — of the whole body of the Rules of Conference; to take the business from the forum to which it did belong, and to put it into one to which it did not belong. He must admit, for the sake of argument, that the publication was a triable offence, and proceed to inquire if the Court at which it was proposed to try it had or had not the jurisdiction which it claimed. Though it would be necessary to go over much matter, the real point lay in a narrow compass. It was true, that, during the life of Mr. Wesley, he had the supreme power to nominate his ministers. It had been said that, during his life, he personally removed ministers also: he doubted if that had been made clearly out; that proposition had been much too widely stated. It had been said also that, during the life of Mr. Wesley, the Conference Committee had power to remove and to suspend preachers: that they did suspend in some instances might be true: that they had a right to do so he very much doubted. After the death of Mr. Wesley, however, that power ceased. Mr. Rolfe and other counsel had asserted, that there was an absolute power in the District Committee to amove: that proposition had not been made out, but, for argument's sake, he would allow it to be so. Then his proposition was that if during Mr. Wesley's life he had supreme power to amove, and if that power was afterwards vested in the District-Committee, yet in 1795 i ceased. He divided his subject into three periods: the power which the District Committee possessed before 1795; the power which they had under the articles of 1795; and their powers since 1795 to the present time. As to the first period up to 1795, there were the rules from 1791 to 1794. He would not waste time in examining the words of all those rules; they had been so frequently repeated, that they must by that time have been stereotyped upon his Lordship's memory. (Laughter.) They were doubtless *in solido* in his Lordship's memory. But that there should have been, as Sir W. Horne boldly, and as Mr. Rolfe still more boldly, contended, the sole power of suspending and removing vested in the District-Committee; that assertion did startle and astonish him. Because it was said in 1793, that, if a preacher were accused of immorality, he and his accuser were respectively to choose two preachers, and, if he were found guilty, they were to have authority to suspend him, it was immediately declared by his learned friend, that there necessarily existed a power to suspend previously to that period. Was there, then, a sort of original, prescriptive, common law jurisdiction in existence? Where was their *lex scripta?* It was strange that there should have been time immemorial a prescriptive right, as far back, perhaps, as the time of the crusades, or the reign of Richard the First, to try for immorality, and to suspend and remove! (Much laughter.) Why, it was only in 1792, a year after Mr. Wesley's death, that the statute was framed, and the tribunal erected for the purpose of trying cases of immorality! Mr. Rolfe had not used before his Lordship the argument he had used so successfully in the other Court respecting *usage*, when he had quoted the language of a celebrated judge, who said, that, from usage, he would *presume* an Act of Parliament! That certainly was not the wisest legal dictum that had fallen from the lips of that learned judge. But that was not the case in the present instance: there was the first statute recorded by which they could try for immorality in 1792. Then it was said that the power was in the District Committee before Mr. Wesley's death.

The Lord Chancellor.—There were no Districts then; there could be no District Committees.

Sir C. WETHERELL.—Well, the Minutes marked out the spiritual statistics of Methodism; and it was true that the map of Methodistical England was not drawn out till the year 1791. (Laughter.) So much for the feudal notion of prescription; the idea of some original law, existing from time immemorial. The fact was that there was no prescriptive, no original, no immemorial Court or jurisdiction; and no Court could have any power but what had been conferred upon it by the Conference. He admitted that the Conference was supreme, though he did not think that its laws were so omnipotent as the laws of the country. The Conference were certainly the spiritual rulers, and they had a right to make laws for the body of which they were the rulers. Having said thus much for the fundamental original jurisdiction claimed for these tribunals, he would call attention to the law passed in 1794. That Minute was extremely important, because there, for the first time, they heard of a mixed tribunal, and to that mixed tribunal the power of amotion was given. As to the mixture of lay and clerical members, and as to the powers given to it, it corresponded with the Articles of Pacification. The District Committee had no such power as was claimed for it: he would boldly assert, that in the Minutes to which he had referred, there was no recognition of such power or jurisdiction. But the mixed tribunal was clothed with power both to try and to amove. He wished to make one observation as to the Minute of 1792. The power there given to the District Committee was power to hear the complaint, and to examine into it; he could not admit, as a lawyer, that the power to examine into a charge was, as his learned friends wished the Court to understand, to all intents and purposes the power to try and to amove. But after all, it was indifferent to him whether before 1795 such power existed or not; he boldly asserted, again, that it did not exist previous to that time. Sir C. Wetherell then re-examined more particularly the Minutes of 1792 and 1794, for the purpose of proving his assertion, that it was not till 1795 that the power to try and to suspend was given to a District Meeting, and that then it was given to the Court formed of a mixture of lay and clerical members. He was ready to admit, that District Meetings might have assumed that power—they might have exercised it, and the individuals cited before such tribunals might not have resisted the power so assumed. Then the proposition would stand thus—that the power did exist, or might have existed. But gentlemen seemed to quarrel with their own proposition: first, they declared that the acts of Conference were binding, and then they said that the Conference had power, by subsequent laws, to abrogate those which they had passed formerly. It was hardly necessary to waste the time of his Lordship, by dwelling further on the Articles themselves; they had been fully commented upon by both sides. He would only remark, that it was absurd to suppose that those articles were formed merely in reference to one point or circumstance. The immediate, the proximate cause, might be what his friends had stated; but the framers, no doubt, were led to consider all the circumstances, and views, and feelings of the whole body of people, and the Articles so framed were to be regarded as applicable to *general legislation*. He could not agree with what was said by the Vice-Chancellor, as to the question of the Sacraments being the immediate cause of the formation of the Articles. Those disputes might have led the framers to consult the whole wants of the Connexion; and after they had provided for the pacific administration of the Sacraments, they added a second head, which was intended to contain articles of general legislation. That second head was as much by itself, as if it had been a distinct act of Parliament. It had been said that the second Article was not to be looked at as a code for the regulation of trials, &c., because the exciting, moving, proximate cause of its formation was certain controversies as to Baptism, the Lord's Supper, service in church hours, &c. He recollected an act of Parliament which the late Lord Erskine had quoted with much humour: it was some Excise act, but a regulation had been introduced into it concerning the sale of lobsters! (Laughter.) It had been a thing not unusual just at the end of a Session to make a sort of general act, into which were foisted a number of miscellanea which had been forgotten or overlooked; and thus, into an act which had nothing to do with fishery, was introduced a provision as to the sale of lobsters. Thus the Conference, while applying themselves to the matter of legislation, might include in the provisions they made, all that appeared to be necessary to them at the time. Sir C. Wetherell then said, that though he should refrain from considering the Articles at length, he would advert to the difficulty which his Lordship had thrown out on the plaintiff's side of the question. As to the difficulty which was thrown out on the other side, he believed that the effort to remove that had been vain. The detail and provisions as to the constitution and character of the Court to be formed were so complete, that it would be absurd to suppose that another Court existed, to which it could be necessary to refer any thing from the mixed Court. But his Lordship seemed to think that the mixed Court was not armed with all that power which would enable it to take cognizance of all the matters which might be brought before it. There seemed, too, to be some difficulty on his Lordship's mind, as to how the Court was to be convened. The Article ran thus:—"The majority of the trustees, or stewards and leaders of a society, &c., shall have authority to summon the preachers, trustees, &c." Gentlemen had stated difficulties as to the initiatory process by which the Court was to be got in motion; but if the Article was read, it would be seen that there was no such difficulty. The majority of trustees, &c., were first to meet like a grand jury, to consider whether the person was to be put upon his trial. That a man might not have a stone cast at him by A, or B, there was to be a *majority* of trustees, &c. That initiatory work belonged to laymen, and not to clergymen; and that might form an answer to the question thrown out by his Lordship, why the clerical part of the body were not introduced in that portion of the article. The reason why laymen were fixed upon was plain. All the property, the liability, the subscription for pew rents, &c., came from and were entrusted to them; and if any individual that chose—any common informer—any jealous, interested man, might bring an acceptable, useful minister to trial, and he could be improperly dealt with, the interests of a particular chapel or chapels might be very materially injured. And when his Lordship considered that the chapels, &c., had civil rights—that valuable property and trusts were connected with them, he would see how proper it was that such matters should be confided to the Trustees, &c., rather than to the clerical members of the District. But then, if a case occurred for trial, the clerical

portion were to be called in also to consider it: and the preachers, the clerical power having the sole right *to appoint*, it seemed proper that the lay members should have the power *to amove*. But even the initiatory process was not entirely confined to laymen. The stewards and leaders indeed were laymen, but they were nominated by the preachers of the Circuit; and the preachers having power of their own, and having some degree of power also through the medium of those appointments, would possess as great authority as it was proper for them to have. They were not to have the sole power both of appointing and amoving, but were to share in the latter with the laity. Sir C. Wetherell said that he hoped those observations would meet the difficulty of his Lordship, though he himself did not see the difficulty to be of much importance. As to the general body of the Articles, nothing could be more clear than that the power of trying and amoving belonged to the mixed committee: when they had done their duty, the *sedes vacans* was to be occupied by the District Committee, who were to proceed to do their duty, and suspend till the Conference, &c. Gentlemen on the other side had felt some difficulty in meeting what was thrown out to them, when they were asked how they could exclude a man for contumacy. Power was given to them to examine the charge, &c.; but they seemed to regard that power as a sort of cornucopia, which contained the power of summoning, trying, excommunicating, &c.; power which could not be allowed them. In the law courts, a good deal of ground must be travelled over before they could get at outlaw. A man must be proclaimed at Guildhall, &c. &c. They should have proclaimed Dr. Warren at the Manchester Market-place, and have travelled over the necessary ground. (Laughter.) But out of a little ragged bit of law they proceeded to form a Court, to summon, and to try. The preacher manifested some reluctance to submit; then they said, we will give you a fortnight, and if you do not submit then, you are no longer a preacher. But so complete was the rule in the Articles of Pacification, that, a proper court being formed, it did give them a right to do so. It was a perfect act, it armed the tribunal with power to bring a preacher before them, and if he did not choose to submit, he could be suspended, he could be punished for his contumacy. Thus, Sir C. Wetherell said, he had launched the good ship; he had taken it off the stocks, a complete vessel, perfect in all its provisions and appointments. It was a complete law, all the requirements of which might be carried on fully and satisfactorily. But *the grammar* of the rule! Ah! that, his learned friends had found, was not so easy to grapple with.—(Laughter.) That word "No," was completely untractable. "*No preacher* shall be suspended or removed from his Circuit *by any District Committee*, except he have the privilege of the trial above-mentioned." That, say the learned gentlemen, means *any preacher* may be suspended or removed *by any District Committee*, and that for any of the crimes mentioned in the above article! (Laughter.) That is, there are to be two co-ordinate, co-existent courts, for one and the same thing. He could not bring his mind to enter into the lists with his friends on the other side on that point. Mr. Rolfe had said, "No preacher shall be suspended or removed, &c., *in the cases above mentioned*, &c." His Lordship *kindly, gently* intimated that the version was not quite correct; he gave him a little touch; *Cynthiæ veluti oram* was the mode in which it was done. (Much laughter.) His Lordship did not say that it was tautology; but he intimated, as their learned friends on the other side of St. Paul's Church-yard would say, that it was *inofficialis*. He must consider that the language alluded to any possible cases omitted in the four classes mentioned. There was the Committee ready to exert its powers whenever it was needed as to any of the four cases; and why might not a *fifth* topic be imagined? Any ideal offence—any imaginary crime—such, for instance, as publishing a speech delivered in the Conference. (Laughter.) Such as a pique or an offence taken by a captious individual. They might suppose unknown and undescribed offences, not mentioned in the second article, to excite the powers of the District Committee. But he must say, that, in considering the construction of the articles and laws of the Body, it would be inconsistent with common sense to suppose, that for the *leve crimen*—for any offence less than the four classes specifically named—for something not quite consistent with the purest ethics—for, what ethical writers would designate, moral improprieties; that for the trial and punishment of these, an arbitrary, unlimited, undefined power might exist, by the exercise of which a man may be stigmatised, robbed of his peace, and deprived of his influence;—while, for the larger offences, the *graviora crimina*, a feeble incompetent tribunal might exist. To suppose that the Court, provided by the second article, could take cognisance of the four classes of crime there mentioned, and yet not have power to notice lesser improprieties, would be absurd. The second article could not be regarded as having any sense, or meaning, or value in it, if the fifth was to do away with it, and nullify all its provisions. But if it were possible to aggravate absurdities, he would call the attention of the Court to a still greater absurdity. The four classes of offences stated in the article were, immorality, erroneous doctrines, deficiency in abilities, and inattention to certain rules; of those four offences, *two* related to matters which he would call purely *ecclesiastical;* they were taken from the District Committee, supposing such a Committee to have existed with the powers claimed for it,—taken from the clerical body, and given to the mixed Committee in which were many *laymen*. Had they been matters of civil instead of ecclesiastical offence, there might have been some colour of reason in the arguments employed on the other side; the argument would then be, that spiritual matters were to be tried by the clerical body, and temporal matters by the lay body. But when the offences named were all in which a preacher could be a delinquent, and those of a clerical nature were confided to the mixed tribunal, the absurdity was increased in an infinite ratio, if it could be maintained that at the same time there was some abstract idea, of some merely imaginable, undefined offence, remaining behind, for which the District Committee had power to try and to punish.

The Lord Chancellor.—What head of offence would the publication of this speech by Dr. Warren come under?

Sir C. Wetherell.—He should say *immorality*. (Some expressions of dissent from Mr. Rolfe, and several others.) And he had authority for saying so.

The Lord Chancellor.—You mean, perhaps, that it was calculated to excite agitation—to reflect on the characters and to impugn the motives of individuals—libellous, or something of that kind?

Sir C. WETHERELL.. Yes. His Lordship would perhaps recollect the case which was tried some years ago of Mr. Wrangham. He was supposed to entertain opinions which were not calculated to promote harmony in a college to which he claimed admission, and he sued the fellows for opposing his entrance. *Moribus idoneus* was the question;—whether the individual had that idoneity of morals which would qualify him for admission into such a place. (Much laughter.) So perhaps it would be said of Dr. Warren's pamphlet, it was not a moral pamphlet; it was defective in idoneity. (Laughter.) He presumed that if the pamphlet was not immoral—if it was *non contra bonos mores*, there could be no offence or impropriety in publishing it. But yet he said that it was calculated to produce strife and division—to excite agitation, and so on; and did they not mean to call that an immoral pamphlet which was likely to produce such effects? It was said to be libellous, and a libel was the foundation of an action, and was generally deemed immoral.

The LORD CHANCELLOR.—If it can be shewn that it is malicious, then 'tis a libel.

Sir C. WETHERELL.—If the pamphlet had no such character—if it was denuded of those noxious qualities—if it was not calculated to injure the Society, and so on, then it was not immoral, and the case was out of the Court. (Laughter.)

The LORD CHANCELLOR did not think Mr. Rolfe meant to call the pamphlet immoral, but that the publication of it was likely to place the Connexion in critical circumstances.

Mr. ROLFE, and others, assented.

Sir C. WETHERELL.—That was one view of it. But he was about to refer to Mr. Wrangham's case. That question turned on the definition of the word *mores*, as used by Ovid. It was said that the opinions of Mr. Wrangham were likely to introduce divisions into the College which were not *moribus idoneus;* and on that ground his admission was opposed. He did not know what character the gentlemen on the other side gave to the offence of Dr. Warren. Perhaps it was among the questions which arose out of taking snuff — a practice on which the Conference had legislated (laughter), or the question of whether the liquor taken after preaching had been diluted with lemon acid instead of double or treble distilled water! (Much laughter.) But if the publication of a pamphlet which was libellous—which traduced character—which broke harmony, which disturbed the Society, and so on; if that was not immoral, he thought it was a singular anomaly; and he should wish gentlemen to give him a definition of what they did consider as coming under that head—to assign what they did regard as *contra bonos mores*. (Laughter.) If he were to refer to indexes for the contents of trials as to breaches of morals from Cummings down to Starkey, he should expect to find, that the offence committed by Dr. Warren would be classed among the offences against morality—the *contra bonos mores*. Was it what was called a libel, or was it of a libellous nature? if it were, why, according to the ethics on the other side of the table, it was not immoral; but if it was immoral, why not at once place it under the second Article? The point had been judicially decided. The celebrated Lord Chief Justice, then Mr. Mansfield, had argued the point, and had quoted a line from Ovid to show that the word *mores* did not mean any such thing.

The LORD CHANCELLOR.—Read the passage, Sir Charles. 'Tis in the Latin Grammars.

Sir C. WETHERELL.—The line was *Hac specie melior* MORIBUS *illa fuit*. (Much laughter.) The learned Counsel said on that occasion that he did not know what the meaning of the word *mores* was as to the female spoken of by Ovid; but that *mores* or *moribus idoneus* did include the offence of immorality. Now it was said that the gentleman in question was much too free in his opinions on certain subjects, and that, if his book were circulated, would introduce strife and contention. But *still* the gentlemen said, that Dr. Warren was not guilty of immorality.

The LORD CHANCELLOR.—It does not signify much to the argument whether Mr. Rolfe said so or not. What he said was, that Dr. Warren had no right to do as he had done. It was not necessary to satisfy the argument whether it was a breach of morals or not.

Sir C. WETHERELL.—No; for the argument had an insatiable voracity in it. It made Mr. Rolfe's favourite tribunal swallow up the whole of the mixed tribunal with all its acts and officers. (Much laughter.)

The LORD CHANCELLOR.—An Aaron's rod. (Laughter repeated.)

Sir C. WETHERELL.—Just so. (Laughter.)

The LORD CHANCELLOR.—You said that it was material, in order to come at the meaning of the Articles of 1795, that we should know the exact state of the circumstances which led to the framing of them. Let me have the affidavits which explain those circumstances. They were handed to his Lordship.

Sir C. WETHERELL.—In inquiring into those circumstances, it was necessary to regard the apprehensions which prevailed on the one hand and on the other. The state of the Union at that period, namely, the struggle between the clerical and the lay portion for authority and influence, required that things should be reduced to a distinct shape. Specification and details were required, such as were found in the Articles under the general head of *discipline*. If the fifth Article was to have any effect at all, he knew not what that effect could be, except what he had stated in his opening, and his friend Mr. Kindersley more fully. It must be what its grammar imported, *that there was to be* NO POSSIBLE CASE *in which the District Committee should have power to suspend or remove a preacher, till he had been tried according to the provisions of the second Article.* It included all clerical as well as all civil offences. If he could suppose that there could remain a scintilla of doubt, as to whether the District Committee had power to suspend or remove in 1792 or 1793, that doubt would at once be put an end to by the Rules of 1795. The enumeration of offences there made did comprehend all the cases in which a man could possibly be tried; but if after that enumeration a scintilla of doubt still remained, the fifth clause came, and rendered the description complete. A word as to the *privilege* of such mode of trial. It was admitted, in an affidavit on the other side, that if Dr. Warren had stood his trial they should not have suspended him: that seemed very like an admission *that they had no power to do so.* (Expressions of dissent by Mr. Newton and his friends.) He

repeated that such was the statement in the affidavit: the deponents believed that Dr. Warren would not have been suspended. From that he (Sir C. Wetherell) inferred that they believed they had not the power to suspend. They had, perhaps, power to meet and to inquire, but not to suspend or to remove. It came then to the fact that they had inflicted a larger penalty upon him for not submitting to be tried, than they would have done if he had been found guilty. "We should only have lectured you a little for your publication, if you had submitted to be tried, but as you will not do that we suspend you." He (Sir C. Wetherell) wondered under what head of morality gentlemen would place such conduct as that! (Much laughter.) In addition to what he had said, he would mention a third circumstance; that Mr. Moore, the only surviving preacher of the nine who were elected by the Conference to draw up the Articles, had stated *positively;* on the other side were some speculative affidavits of persons who *believed* so and so. Mr. Samuel Warren stated, on behalf of Mr. Moore—that he stated positively,

"That it was the unanimous intention of the framers of the said Articles of Pacification, to repeal and entirely do away with the modes previously in use for the trial and suspension of preachers, and to provide, specially, that no preacher should be suspended, except for the offences and after the mode of trial particularly specified in the said Articles of Pacification. That the Committee who framed the Plan of Pacification were unanimous in this, and that there was not upon that point *one dissentient voice amongst them;* and it was the object and intention of the framers of the said Articles of Pacification, and the spirit of the Articles themselves as framed by them, amongst other things to protect the preachers from the trustees and from their brethren the preachers. That the preachers, only, should not have the power to suspend a preacher for any cause, as such power, if it existed, might be put in force from personal and vindictive feelings. That he, the said Henry Moore, had never in any instance adopted or sanctioned, either in Conference or at District Meetings, the construction put upon the said Articles of Pacification by the said deponents, John Mason, John Gaulter, Thomas Jackson, Joseph Taylor, James Fildes, and James Hedley, further or otherwise, than that he has been present at the Conference when the Minutes of the suspension of a preacher have been read, and such suspension not having been objected to, or repealed from, by the suspended preacher, and the said Henry Moore knowing nothing of the merits of the case, he did not interfere therewith. That he always protested against the alleged legality of such a proceeding, both in Conference and in conversations elsewhere, whenever he heard of an instance of a preacher having been tried or suspended by a District Meeting composed of preachers only; and his own impression was, whenever he heard the subject mentioned, that if ever a preacher submitted to be suspended by the preachers only, his submission was on the ground of conscious guilt, and because an appeal to the tribunal appointed by the Rules of Pacification would be only a further exposure of his guilt, and not (as far as the said Henry Moore believed) on the ground of acquiescence in the legality of such a tribunal, or from ignorance of the mode laid down in the Rules of Pacification, for the trial of preachers."

It was impossible that any language could be more distinct—that any asseveration could be more complete. The Articles, therefore, were meant to embrace *every possible case*, and the tribunal was mixed for the reasons which had been stated. All was adopted after solemn deliberation, and with the cordial and unanimous consent of all the parties interested. In remarking on the privilege of such mode of trial, his learned friend, Sir W. Horne, had travelled a long while in a circle, and left off where he began. He could not follow his learned friend so swiftly as he had floated round that circle. The Article provided a certain court to try the preacher, and that mode of trial was called a privilege; but gentlemen had used the word privilege another way, and had said that there were many instances in which preachers had been tried by another mode. Seventy-five cases had been brought forward; he should like to know what those cases were. Then Mr. Rolfe had dwelt on *usages*, and had gone so far as to say that he would infer acts of Parliament on the ground of usage, and had almost said that they might be used to get rid of written laws. Admitted that there were such instances. But he would first make two or three observations as to Minutes of Conference since 1795. Two documents had been put into his Lordship's hand, marked E and F. That marked F, the favourite book with his friends, put the Articles of 1795 *in extenso*. They said, we will shew an abrogation of the laws of 1795. (Loud expressions of dissent from Mr. Newton and his friends.) Well, but they would bring usages to do away with those articles. That pamphlet they said contained the rules of 1791, 1792, and 1793, as well as those of 1794; and their argument was, that, though it contained the Articles of Pacification, the last law that had been passed—that law not abrogated—yet, because it contained the preceding bits of legislation, those regulations had not been abrogated or superseded. So that, if he were to go to Butterworth's shop in Fleet-street, and get a copy of the statutes,—which contained some statutes which had been repealed, as was the case, because it was not actually stated at the end that such statutes had been repealed in the twenty-fifth of George III., he must necessarily regard the repealed statute as part and parcel of the existing law.

The Lord Chancellor.—But that pamphlet is printed by order of the Conference; the Conference has unlimited authority to do as it pleases; Mr. Butterworth has none. That, I believe, is the argument on the other side.

Sir C. Wetherell would take it for granted, that it was printed by the Conference. But they also reprinted their Rules in 1833. *That edition contained the Articles of Pacification entire, and omitted all the rules of* 1791, 1792, *and* 1793. It contained besides perfect models for Chapel Deeds, in which Deeds those articles were declared to be the existing law. If a pamphlet of 1797 were put in, why, from that period to 1833 was nearly forty years. Forty years since the spurious edition of the statutes was given out! It might be true, that in 1797 the Conference did put in circulation copies of the statutes of 1791, &c.; but what was to be inferred from that? Those statutes might be of use historically; but he could not admit, that because those rules were *in pari materia* with the others, they were therefore equally binding. If they were published in 1797, two years after the Articles of Pacification had been framed, had the Conference gone on giving them out *de anno in annum?* No such thing. The order should have been reversed; his copy should have been F, and that of his friends E. (Much laughter.) Could any man who reasoned on the subject on legal principles contend that, because when that pamphlet was issued, there were some old rules in it,—that therefore a gentleman who was admitted into full connexion and had the body of statutes which

was printed in 1833 put solemnly into his hands, as that by which his conduct was to be regulated, was to refer to the rules of 1791, &c., to the obsolete, exploded laws, and to regard that as the existing law, because it was so previous to 1795? It would be absurd to suppose so for a moment! After Sir C. Wetherell had recapitulated his arguments on this point,

The LORD CHANCELLOR inquired whether the pamphlet F was to be regarded as the act of the Conference. It did not, he said, appear to be signed in the usual way, by the President and Secretary.

Mr. ROLFE directed the attention of his Lordship to the Minutes of 1797, in which the rules were signed as usual.

The LORD CHANCELLOR read, "We have collected together those rules which we believe to be essential to the existence of Methodism, as well as others to which we have no objection, and do now voluntarily, and in good faith, sign our names, as approving of, and engaging to comply with them." But how do you make out that the pamphlet of 1833 is an act of the Conference also?

Sir C. WETHERELL.—By the affidavit of Dr. Warren.

Mr. KINDERSLEY then read the affidavit of Dr. Warren, which we have given in another place.

Sir C. WETHERELL repeated, that he did not find that the Conference had gone on *de anno in annum* issuing the repealed laws. He admitted that it might be very necessary sometimes to have repealed Acts of Parliament for the purposes of reference. When he had the honour of travelling the Circuits with his Lordship as his colleague, he remembered that a case occurred in which he was placed in considerable difficulty by the opposite Counsel, because he could not get hold of a repealed Act of Parliament, in the words of which to state his argument; and when he had the honour of being a member of a certain assembly, it was once his intention to have moved for an epitome of repealed Statutes. On that principle the Conference seemed to have acted. In 1795, they gave out the Articles of Pacification, according to the provisions of which, preachers were to be examined, tried, suspended, and removed; and in 1797, they re-published those articles, accompanying that publication by a declaration of the power they had given up, the great sacrifices they had made, and the little authority they had left themselves; and though the print thus given out in 1797 contained some of the abrogated rules, the Conference declared that the power of the District Committees was so cut down as to have "hardly any authority remaining, but a bare negative in general, &c." That was an answer to Mr. Rolfe's argument: as for the argument of Sir W. Horne, that answered itself. (Laughter.) That gentleman had said that the preacher could not be tried if there was no tribunal to bring him to; a truism which it was not necessary to dispute. Mr. Rolfe had treated the subject in another way, and had argued it, as he generally did, ably and ingeniously. If any thing could be done effectually to get rid of plain and intelligible words,—and the textual words of the plan were plain and intelligible,—Mr. Rolfe had aimed to do so. Sir W. Horne had tried to get rid of the difficulty, in vain; then Mr. Rolfe attempted to get rid of it. The argument he had employed in the Court below was, that "trial before-mentioned," meant trial "*in the cases before-mentioned.*" But his Lordship had said that it must not be so interpreted, because the preacher was already tried and removed by the mixed meeting, without the intervention of the District Committee; it seemed evident therefore, that the fifth Article was not intended to apply to the second. His (Sir C. Wetherell's) argument was, that it went to add a *negatio in generali*, a universal negative: it negatived all possibilities, and neutralised all impossibilities. (Laughter.) But when that argument failed, then the gentleman said, I will set up a body of conflicting usages—a *contemporanea expositio* which shall be strong enough to get rid of the textual law.

The LORD CHANCELLOR.—Mr. Rolfe rather said, "Such is my construction of the written documents, and that construction I believe to be illustrated by the usages."

Sir C. WETHERELL.—Certainly that was the way in which Mr. Rolfe had put it. But he could not get at that without doing violence to the text of the law: he must break through the express meaning of the law, in order to let in the usages. But his (Sir C. Wetherell's) argument was, that usages could not be called in to *explain* what was perfectly clear in itself, much less to *contravene* it. Even if it could be proved that a number of individuals had not thought it worth while to protest against the illegal practice, that was nothing in point of argument. In the article in question, the word *privilege* was used; but suppose the individuals did not choose to avail themselves of their right? It was the privilege of members of the Universities to be sued for debt in the Courts of Oxford or Cambridge; but suppose from a dislike to exposure, or for other reasons, they did not avail themselves of that privilege, was there any contradiction in that? A preacher might think it desirable not to avail himself of the privilege of the second Article; but that did not destroy the existence of the privilege. The individuals, whose cases were raked up, might have inflicted greater disgrace upon themselves by appealing, than by submitting. He should like to know the cases.

The LORD CHANCELLOR.—Are not the charges stated?

Mr. PIGGOTT.—No: except the case of Mr. Stephens, who was suspended for publicly advocating the separation of Church and State; and the case of Mr. Moore, for refusing to give up a house which was needed for the use of the Superintendent of the Circuit.

Sir C. WETHERELL.—Yes! but Mr. Moore said, "I dispute your jurisdiction." So that the only case which they had brought forward was one of an individual who would not, and did not submit! The word privilege seemed to admit of considerable varieties of construction. Take Mr. Rolfe's argument: suppose that before the Articles of 1795 there was a competent tribunal. *That* was an absurdity which could not be got over; they must jump as high as a man vaulting over a rope before they could get over it;—but admitting it for a moment; then read the fifth Article, and put in the term privilege. If there existed a co-ordinate Court, and the man said, I will not be tried by that, I will be tried by the mixed Court; there he put in his claim to the privilege. Otherwise they must get rid of the word *privilege*;—"No preacher shall be suspended or removed from his Circuit by any District Committee, unless he have *the privilege* of the trial before-mentioned." Admit that there existed a District Committee—that it had powers for all purposes except suspension and

removal—and even that a man chose to forego his privilege of being tried as stated by the second Article;—but still that word must be got rid of in the fifth Article, or else it did away all the other. There was not a word in the articles to restore a clerical body which also had power to try, to suspend, and to amove. In 1794 a mixed tribunal had been given, and the articles made in 1795, "to give the completest satisfaction, and to remove every obstacle to a lasting peace,"—gave also a mixed tribunal to try, to suspend, or to remove as the circumstances might require. Mr. Rolfe's argument therefore could not be admitted without striking out the word privilege. He (Sir C. Wetherell) had taken occasion to allude to the subject of *usage*, and had observed that the plea of usage was of no avail to bind any individual who might think fit to contest it. He had argued the subject, he trusted, at no improper length, and hoped he had met the arguments employed on the other side. He would repeat, in reference to the numerous affidavits which had been put in, that the evidence of usage was not admissible, except on the ground that any doubt existed as to the language of the law. Gentlemen had said that usages were to put an end to the Articles, and that the usages which they thus unwarrantably made room for the entrance of, had proved that those articles were a nullity. The rule which he had laid down as to the letting in of usages, applied to every written instrument. His Lordship would remember a case in which it was questioned whether a boat in a vessel which was insured was part and parcel of the ship. The language of the instrument made it to be a part of the ship's furniture, but the plea of usage was set up to show that it was *not* usually so considered. It was determined that usage could not be adduced to contradict the provisions of a deed, though it might be employed for the purpose of explaining it. He could not help introducing that case on the present occasion, when it seemed to be doubted whether the life-boat of the Connexion was part and parcel of the constitution or not; and he could not but think that the attempt to get rid of his arguments, and to annul the Articles of Pacification, was similar to the attempt made in the case he had just cited. Before he concluded, he would add a word or two respecting the Deeds. His Lordship had made an inquiry as to the legislative power of the Conference. As far as he could find from the Minutes, from the year 1795 to the present time, there had been no alteration of the laws. But he would remind his Lordship that there were 500 or more Deeds, on which money had been advanced, subscriptions raised, property created, pew-rents and other funds collected. The chapels built thus, and secured by those Deeds, were all raised, and supported, and maintained, on the ground of the Articles of 1795; and it was a matter of considerable doubt with him whether, after chapels had been built on the ground of those Articles, and money advanced from time to time in good faith that those Articles would be abided by; he much doubted, he said, whether Conference had power to legislate for the alteration or repeal of the laws of 1795, on the faith of which, he repeated it, monies had been raised, and chapels built. If the Conference had power—and such power Mr. Rolfe had almost claimed for it—if the Conference had power thus to alter its laws and articles, then it *might* make laws which were utterly subversive of the property, which, in the faith of former laws, had been created. The chapels had been built and supported on the ground, that the trustees, stewards, and others, had a right to interfere as to the removal of ministers. In the case then before the Court, it was stated, that the ejection of the preacher was the ejection of the congregation also. (Some expressions of dissent by Mr. Newton and his friends.) An affidavit had been made to that effect. The Conference might alter the rules by which the preachers were bound to each other, but certainly not those which affected property held under deeds. If the removal of the minister was followed by the retirement of the congregation, as in the present instance, then it might follow that all the chapels built on the faith of those Articles might be injured or destroyed! The only principle on which that Court could interfere was therefore involved: it could only interfere on the basis of the proprietary right created, and on account of any improper administration in reference to those trusts. He could not conceive that the Conference had power to lay down any rule which might injure the property formed in the faith of those rules which were part and parcel of the deeds by which the property was secured and the trusts held. That was a power, which, as a lawyer, he could never admit. In conclusion, he must say, that there had been a considerable degree of rashness in the proceedings taken against Dr. Warren. There had been a departure from the rules laid down in the Articles of Pacification, by which the power of suspension and amoval was given to the mixed Court; and, by that departure a valuable and useful minister had been removed, and the Trusts of five hundred chapels materially endangered.

The Lord Chancellor said, that as he wished to examine more particularly some of the affidavits, he should not pronounce judgment till the Court sat again, which would be on the following Wednesday

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Wednesday, March 25.

So intense was the anxiety to hear the Judgment pronounced in this important case, that the various avenues leading to the Court began to be crowded soon after eight o'clock. A considerable number of ladies and gentlemen obtained admission by private entrances, and when the doors were opened there was a great rush of persons, so that the floor of that large hall was soon filled. Nearly half the company were females.

The Lord Chancellor having taken his seat, the most profound silence prevailed, while he delivered

## THE JUDGMENT.

In this case I entirely agree with the observation made by his Honour the Vice-Chancellor, that this cannot justly be considered a case of trifling importance. It is a case of some importance, even in a pecuniary point of view, as it respects Dr. Warren, not indeed as to his actual position, but as it may affect his future position with reference to his connexion with this society. But in addition to that, any question which affects the feelings, or which is con-

nected with the interests of a large religious body, can never be considered as of trifling importance.

I have looked with considerable attention into the volumes which have been handed up to me containing the minutes of the proceedings of the Conference. They contain throughout the expression of a considerable degree of genuine Christian feeling; and I cannot but express my regret that in a Society so constituted, for such objects, and with such feelings, such misunderstandings and dissensions should have been introduced. And I must suggest that it would be most advisable to attempt some accommodation, by which an end may be put to those dissensions which have given rise to the present proceedings. Having made these observations, my duty is merely to determine as to the legal rights of the two parties on the question now before me. I am now to decide the question as to whether Dr. Warren has or has not been legally suspended from the discharge of his functions, as a minister, by the District Committee. To this point, therefore, I shall confine myself, not making any observations upon the conduct of the different parties, except what the course of the proceedings themselves may appear strictly to require.

The question appears to resolve itself into two points.—First, *Has the District Committee power to suspend a Preacher?* And if they have the power to suspend, then, Secondly, *Have they regularly exercised that power in the present instance?* The first document which was referred to, and very naturally referred to, by the Counsel on both sides, was the Trust Deed, or, I should rather say, the *Trust Deeds*, under which the chapels in question are held. By the provisions in these Trust Deeds, the trustees held the chapels for the use of the preachers whom the Conference might in succession appoint, for the various exercises of religious worship according to the principles of the Wesleyan body. It is said that Dr. Warren was a preacher so appointed by the Conference; that the trustees, therefore, were bound to allow him to use the chapels, and that they had no right to permit them to be used by any other person or persons. But I apprehend that if the Conference, which is the legislative body of this Society, have appointed a mode by which a preacher is to be suspended or removed, and a preacher is *so* suspended or removed, he can no longer be considered, within the meaning of these Trusts, as having any right to remain as the minister of these chapels. It appears to me, therefore, that the reference made to the Trust Deed, and the argument founded upon it, has entirely failed. Another clause in the Trust Deed contains a proviso of a somewhat different description, namely, that the trustees shall proceed according to the Articles of Pacification in any case in which it shall appear to them that a preacher has offended in the manner so described. But, notwithstanding the words of this Deed, it does not appear to me that a preacher may not be removed by *other modes* pointed out by the laws of the Society:—that consequence, I do not think, flows *necessarily* from the proviso of this Deed. Thus much as to the arguments arising out of the Trust Deeds. I do not think that much reliance was placed upon them by the Counsel on either side: they were probably aware of the arguments by which they might have been met.

This, then, brings me to the consideration of the arguments arising out of *the acts of the Conference, and the legitimate construction to be put upon those acts.* It is by these acts, and their legitimate construction as to the point now under consideration, that the question must be, principally, decided. There can be no doubt that Mr. Wellesley or Wesley himself possessed and exercised the power of suspension and removal as to his preachers. During his life time, he possessed so much influence, and so much just authority, with the Society which he had himself established, that, with but a few simple laws, he had very little difficulty in preserving the harmony, and in supporting the purity, of the Society. However, when he died, which was in the year 1791, that which had been foreseen took place; and it became necessary to lay down more precise laws for the regulation of the Society in future. It is to the law passed in 1791 that I must first direct my attention, because it appears to me that much of the present case necessarily depends upon the just construction of that law. For the first time, then, in the year 1791, the Connexion throughout the kingdom was divided into Districts: and a provision was made to this effect, that the Assistant of the Circuit shall have the power of convening the preachers of the District *upon any critical case* which might occur; they were to appoint a Chairman when so met: they were to determine concerning the business on which they were called; their decision on the matter before them was to be final till the next Conference; and the Chairman was to report the proceedings to the Conference, who would then decide as they should think fit. This is the first law to which I think it necessary that attention should be directed. Nothing is here said with respect to offences committed by preachers, nor is any thing said as to the trial of preachers; but still, looking at the spirit and intention of this law, can it for a moment be doubted, that, if a preacher had so conducted himself—I am not now referring to the case of Dr. Warren—if a preacher had so conducted himself as to introduce discord, and to break the harmony of the Society, that that would be considered as "a critical case," and would justify the Assistant in calling a meeting of the preachers of his District? And if so, is it not evident that the preachers when assembled should have *power to remove or suspend a preacher*, subject always to the decision of the ensuing Conference? It appears to me, therefore, that if no other law had been passed, by this law of 1791 any preacher who conducted himself in a way which was likely to disturb the peace and harmony of the Society, might be called before a District Meeting, and that the meeting when assembled would be justified in suspending or removing such preacher till the next Conference. This may be regarded, I consider, as the basis of the law upon this subject.

In the year 1792, some alteration was made in this law; but it is not an alteration of any

material consequence. As the law stood in the year 1791, the Chairman was to be appointed, *pro hac vice*, by the District Committee, when assembled. By the rule of 1792, an alteration was made in this respect, and a permanent Chairman was appointed. By the law of 1791 the meeting was to be convened by the Assistant; by this law of 1792 it is to be convened by the Chairman of the District. In the law of 1791 nothing was said as to *the trial* of preachers; but in the law of 1792 something is said as to their trial. No express authority, indeed, is given for this purpose, but it assumes, as it were, that they had that authority *already*, and points out some regulations as to the manner in which that authority should be exercised. One of these regulations, and a very just and proper one, was, that an exact copy of the accusations, together with the name of the accuser, should be previously sent to the preacher, that he might have due opportunity of preparing for his defence, when his brethren should meet to decide upon his case. But there is another part of this law to which it is necessary that I should advert for a particular purpose to which I shall presently direct my attention. The Chairman was to call the meeting: but he himself might be the culprit —the party accused. In that case, therefore, the Superintendent was directed to convene the meeting; and if the majority of the meeting were of opinion that the charge was made out against the party accused, the District Committee had power given them, in express terms, to suspend him from being a Travelling Preacher till the ensuing Conference. On this rule it has been reasoned, very properly, that it would be absurd to suppose that power was given to suspend the Chairman, while power was not given to suspend the Assistant. But it appears to me that under the general law there was given a power to suspend, and that this power is not taken away, but included in the law of 1792.

In 1793, I find a rather different arrangement is made. If a preacher is charged with immorality, provision is made to try him at a species of domestic tribunal. Two persons are to be appointed by the preacher—two by the accuser. Those four persons, with the Chairman, are to assemble, and to decide as to the guilt or innocence of the preacher as to the offences which are imputed to him. I find by the rules of 1797, to which I now refer incidentally, that the decision of the tribunal was not to be considered as binding upon the preacher, but that he might, if he thought proper, insist upon being tried by the District Committee.

In 1794, a different provision was made as to the trial of preachers who were accused of immorality. In that case the preachers, trustees, stewards, and leaders of the Circuit were to assemble, and were to decide upon his guilt or innocence; and if a majority believed him guilty, in that case the Chairman of the District was to remove him. I don't think it necessary to dwell upon this particular law, because when I come to look at the law of 1795, the regulations are so much at variance with this law of 1794, that I consider that the law of 1795 was intended to be substituted in its place. I am confirmed in that conclusion, when I find that in the code of rules which was published in the year 1797, this law is altogether omitted; and I believe also that in the affidavits now before me, though I do not know where to find it at the moment, it is stated that it was considered as abrogated, and as being no longer in force.

Now, this brings me down to the Articles of Pacification. And how did the law stand, let me ask, at the commencement of the year 1795? There can be no doubt, I think, but that before the passing of those articles, the District Committee had not only the power to try, but, as the result of that power, to remove or suspend any travelling preacher till the next Conference. I think that deduction is clear, and decided beyond all doubt. Then the question which remains to be considered is this:—has any alteration been made in this law, in this power, by the Articles of Pacification? and, if so, what is the nature and effect of that alteration? The question of the Articles appears to have been very maturely considered. Disputes had taken place in the Society, chiefly as to the administration of the sacraments. And for the purpose of terminating these disputes, and promoting peace and harmony, these Articles of Pacification were adopted by the Conference. It is not necessary that I should say any thing as to the first part of these Articles, which relates chiefly to the administration of the sacraments. I come therefore to the second, entitled "DISCIPLINE." Now, what does that provide, and what is the law? It says, first, "That no Trustee, or number of Trustees, shall expel or exclude from their chapel or chapels any preacher appointed by the Conference." But it also says, that "if the majority of the Trustees, or the majority of the Stewards and Leaders of any Society, believe that any preacher appointed to their Circuit is immoral, or erroneous in doctrines, or deficient in abilities, or that he has broken any of the rules above-mentioned," —that is with reference to the administration of the sacraments;—that they shall under such circumstances—not that they are *compelled*—not that they are *bound*—but that they shall have *authority* to convene a mixed tribunal, to consist of the Preachers of the District, and the Trustees, Stewards, and Leaders of the Circuit. They are to consider the case as alleged against the party accused; and if the majority of them are of opinion that the case is made out against him, he is to be *considered as removed*; that is, removed from that Circuit. It is then provided that the District Committee shall fill up the vacancy so occasioned, but only till the next Conference. It provides further, that the District Committee may, if they think proper, suspend him from all public duties till the Conference.

This is the first part of the Articles of Pacification, as far as they respect Discipline; and, if it rested here, it appears to me that there would be no ambiguity in the case. It does not take away the power of the District Committee; it only says that, in certain cases, of immorality, or erroneous doctrine, or deficiency in abilities, certain persons have the authority, *if they wish to exercise it*, to call together a particular tribunal—a mixed tribunal—to consider the case. It does not interfere with the right of the District Committee in other cases in which

this particular party does not choose to interfere, or in which it has no authority to interfere. If the case rested here, therefore, it appears that there would be no doubt in the question. But doubt is brought into the question by particular words contained in the *fifth* Article, which, as far as I recollect them, are these:---"*No preacher shall be removed from his Circuit, or suspended, by any District Committee, except he have the privilege of the trial before-mentioned.*" Now these words, taken by themselves, are extremely large and general; and I confess that I have had great difficulty in dealing with them. Do they apply to take away all power of suspending and removing from the District Committee? If they do, how can we apply all the terms that are here employed? No District Committee shall have the power of suspending or removing from the Circuit, except the party have the privilege of the trial before-mentioned. But no District Committee has the power of giving the preacher the privilege of the trial before-mentioned. They have no authority for that purpose. They have no power to convene this mixed tribunal. There are no regulations authorising them to do so. It does not appear to me, therefore, that this applies to the general authority of the District Committee. But does it apply, and has it reference, to the powers given in the second head of the Articles? There is a difficulty in construing it strictly in reference to that. If the word *suspended* only had been used, there would not have been so much difficulty; because the District Committee had, in terms, power given them to suspend a preacher, in consequence of the decision of the mixed tribunal. But then it goes on to say, "No District Committee shall have the power of *removing from the Circuit* the preacher, except he have the benefit of the trial before-mentioned." But the District Committee is not the body that removes him: he is removed, not by the District Committee, but by the act of the majority. But then it is impossible not to take notice of the peculiar terms of the phraseology here employed;—"he shall be *considered as removed.*" It does not say that he is actually, and in fact, removed, but that he shall be considered as removed:—and that is followed up immediately by saying that the District Committee shall appoint his successor. It seems, therefore, as if the District Committee were necessary to consummate, as it were, the act of removal. Giving it that interpretation, the whole is consistent, and it amounts simply to this, that the District Committee shall not give effect to the decision pronounced in the above manner against any preacher, unless he has had the privilege of the trial as above-mentioned, which is provided for him. I do not mean to say that this is all the difficulty of the case:—as I said during the argument, and as I have felt throughout, there are difficulties on both sides. But if the construction is doubtful, let us advert to what has taken place since the law was passed, to what took place in the year 1797. The question to be considered, it must be recollected, is this, Has the power of the District Committee to suspend, and to remove the preacher from the Circuit, been taken away by any subsequent act? Bear that always in mind, and see what has taken place.

In the year 1797, two years after the Articles of Pacification had been issued, another act of Conference was published in which there is this regulation:—that the District Committee has, with respect to different things, *only a negative power.* It intimates that much of the authority of the District Committee was taken away; and then it goes on to say, "In short, brethren, out of our great love for peace and union, and our great desire to satisfy your minds, we have given up to you by far the greater part of the Superintendent's authority; and, if we consider that the Quarterly Meetings are the sources from whence all temporal regulations, during the intervals of the Conference, must necessarily spring; and also that the Committee formed according to the Plan of Pacification, can, *in every instance* in which the trustees, stewards, and leaders choose"—*choose* "to interfere respecting the gifts, doctrines, or moral character of preachers, supersede, *in a great measure*, the regular District Committee, we may, taking all these things into our view, truly say, that such have been the sacrifices we have made, that our District Committees themselves have *hardly any authority* remaining, but *a bare negative in general*, and the appointment of a Representative to assist in drawing up the rough draft of the stations of the preachers." The authority, therefore, of the District Committee was superseded—when? Not absolutely, but only in those cases in which the trustees, stewards and leaders, *chose* to interfere respecting particular objects; namely, the gifts, doctrines, or moral character of the preachers. It appears to me, therefore, impossible to consider,—taking this article of 1797 in connexion with the Articles of 1795, that the Articles of Pacification were intended to have the effect which is contended for on the part of the Plaintiff.

But the case does not rest here. In the same year, 1797, it is said further that it was considered of importance, as a means of promoting harmony, and for the purpose of producing regularity, to publish the existing Rules of the Society. In the preamble, if I may so call it, to this, it says, "And whereas we have collected together those RULES *which we believe to be essential to the existence of* METHODISM, as well as others, to which we have no objection;—we do now voluntarily, and in good faith, sign our names, as approving of, and engaged to comply with the aforesaid Collection of Rules, or Code of Laws, God being our helper." So that they published what they considered to be the Code of the Laws of Methodism, in the year 1797, and they sign that Code with their names. That very Code has been given in evidence; it is the document described by the letter F. Do we find that Code of Laws begins with the Articles of Pacification? By no means. The laws and rules to which I have referred as to the trial of a preacher by the District Committee, form a part of that Code, and precede the Articles of Pacification. They were obviously considered, therefore, as in force in the year 1797. The mode of trial of a preacher by the District Committee is pointed out. But it may be, and has been said, that if the District Committee has the power

of trying, it has not the power of removing or suspending:—the Articles of Pacification, in the clause to which I have referred, took away that power. Did they so? Why, in the Code of Laws, the rule authorizing the District Committee to suspend or remove the Chairman remains; and it could not mean, therefore, that the party publishing this Code ever considered that the Articles of Pacification took away from the District Committee the power to suspend or remove a preacher which it before possessed. This appears to me to be quite demonstrative upon this point. For who are the parties promulgating these laws? Not parties who had slight information,—who had imperfect knowledge of the Constitution of the Society;—but the Conference itself—*the* LEGISLATIVE POWER—the very party that had the right to legislate, to suspend, and to remove—the same party that promulgated the Articles of Pacification;—that party issues this Code of 1797. It is a declaration, therefore, by the Legislature itself, that the power of suspension still remains in the District Committee. I must, however, refer here to another document which has been put in by the other side, and much insisted upon, and concerning which an affidavit states that it is handed to every preacher at the time of his ordination, accompanied with a declaration that as long as he conforms and adheres to those rules, the Conference will rejoice to own him as a fellow-labourer. That edition contains the Articles of Pacification, and the Regulations of 1797; but it contains none of the preceding rules; and it is said, therefore, that it is to be put in opposition to the Code of Laws published in 1797, and is to be considered *pro tanto* as abrogating them. But I consider that publication as nothing more than a guide to regulate the general conduct of the preacher. The regulations as to the District Committees, both as to trials, and for other purposes, are entirely omitted, which shows that it was not intended to annul the Code of 1797, but to be used as a sort of guide in reference to certain points.

Then, I have to consider what has taken place since 1795. From that time down to the present a variety of cases, at least seventy in number, have occurred, of preachers who have been suspended or removed by District Committees. It is said that *if a law is clear, usages are unnecessary*; and that, if they are brought forward, it must not be for the purpose of altering the law. But, in this case, I do not consider that the law is perfectly clear: standing by itself, it is not perfectly clear. And then it is to be considered that it is not the usage of ordinary, or of contrary parties, but the usage of the very legislative body itself—the usage of the persons who promulgated the laws, acting upon and interpreting those laws! Now mark;—a preacher is suspended by a District Committee; but he is suspended only till the next Conference: the Committee is bound to report it to the Conference, and those reports are regularly entered on the Minutes. Now if in 1796 or 1797, immediately after the passing of the Articles of Pacification, the District Committee had removed or suspended a preacher, when they made their report, would not the Conference have immediately said—supposing that not to be the meaning of the law, "Why, you have acted illegally! it may be that your intention was good, but you have acted contrary to our law promulgated by us in 1795, and promulgated for the express purpose of promoting the harmony of the Society." But no such circumstance ever occurred. The reports of the District were received year after year without any such comment, and so it has gone on down to the present time. It is said, indeed, that there has been one exception. It is said that there was no resistance in those instances, because, in most of them, it is very likely that the parties themselves, for the reason fairly stated in the affidavits, would not be disposed to resist, or to appeal. It might not have been prudent to have pursued the matter to a further investigation. But *the Conference itself* would have been bound to act, whether the parties had intervened or not, and would have been of necessity called upon to have considered and declared that to be a violation of these Rules. But it is said that Mr. Henry Moore's case is an exception: Mr. Henry Moore resisted, and in consequence of his resistance he triumphed over the District Committee. But let us look particularly at the circumstances of Mr. Moore's case. He held the chapel under very peculiar circumstances; he took it under an express provision, as I understand, in the will of Mr. Wesley. The Conference had allotted the chapel-house to another superintendent; and Mr. Moore, conceiving that he had a right to the house, in defiance of the Conference, refused to give up possession. What did the District Committee do? They assembled, summoned him, and suspended him from his Circuit. Mr. Moore resisted: but what were the limits of his resistance? He desisted from preaching in the other chapels in the Circuit; he confined his preaching to that particular chapel, and his resistance to that particular house, and that on the ground which I have stated. He said, "You have no jurisdiction over this particular chapel; I hold it by a peculiar title under the will of Mr. Wesley:" but he abandoned his title to all the other chapels, and did not preach in them. This matter afterwards came before the Conference, and the Conference, out of regard to his high character, and the general respect which was entertained for him, would not pursue the matter further, but settled the business. It appears to me, therefore, instead of Mr. Moore's case being an exception, that the circumstance of his abstaining from preaching in the other chapels, is rather a confirmation of it, and that his attending to the duties of that one chapel only, and that on peculiar grounds, is a proof that he acceded to the District Committee, and considered that he had no right to oppose their general authority.

It appears to me, therefore, that this case is very strong as to the authority of the District Committee; and that the District Committee, still, notwithstanding the Articles of Pacification, have authority to interpose and to suspend or remove a preacher, in all cases, except in those particular cases where the mixed tribunal has a right to interfere, and where the parties who are to compose it choose to interfere.

Having established that as a preliminary, the next point appears to be very short. Have they in this case acted regularly? Have they exercised their right in a proper way, according to the Rules of the Society? The rules that appear to be prescribed are, the giving notice of the accusation to the accused party, and the mode of summoning the meeting. A copy of the charges, it seems, was handed to Dr. Warren: he had intimation of the day of meeting: the meeting was convened, and he attended. So far all the proceedings were regular. Dr. Warren afterwards withdrew, and refused to attend his trial. They suspended him, not because they found him guilty, but because he refused to undergo the trial. They gave him notice; he would not attend; and, if I may make use of the expression in reference to proceedings of this kind, they suspended him for contumacy. That is the fact; and the question is, had they power to do so? Why, I refer back to that which I consider to be the whole foundation of this authority, namely, the law of 1791. The preacher may call the District Committee together in a case of emergency; that is, what he may consider a case of emergency. It is not for us to consider whether it is a case of emergency or not; that is for the Committee to decide. The Committee did so consider it, it appears; they did meet; they had power to decide according to their own discretion; and their decision is final till the next Conference. What did they decide? Why, that, because Dr. Warren did not choose to attend the investigation of his case, he should be suspended. I think that, looking at the laws of 1791 and 1792, they had authority to do what they did. It is said that their conduct towards Dr. Warren was harsh in not allowing a gentleman, Mr. Bromley, to be present. With that I have really nothing to do: the District Committee had power to regulate their own proceedings. They had authority to do so, as to whether that authority was *discreetly* exercised, or not, I give no opinion:—if it was not so, that does not render their proceedings invalid; they had legal authority to exclude a stranger, if they felt so disposed. It is also said, that the publication by Dr. Warren of the speech which he delivered in Conference, with the remarks affixed to it, was not really an offence; that it was not an offence entitling this body to such a jurisdiction, and that it did not, in fact, support the charges which were preferred against him, copies of which have been read in this Court. The evidence does not appear to have been gone into; the reason of that, I presume, was that he did not attend. Whether it did support those charges or not, was a question for the District Meeting, and not for me to decide: I have no jurisdiction in it. A particular tribunal is established by this Society to decide questions of this kind; and I have no authority to say, whether, within the meaning of the Rules of this Society, this pamphlet was, or was not, an offence; that was peculiar matter for the discussion of the Committee.

I am, therefore, of opinion not only that the District Committee had power to suspend, but that this District Committee acted *legally*. More, I am not called upon to say. Whether they acted *wisely, temperately, discreetly*, or *cruelly and harshly*, these are matters which do not come before me, and on which I desire to express no opinion. Upon these two grounds, the authority of the body, and the legality of their proceedings, I am bound to affirm the decision in this respect of the Vice-Chancellor. I must, however, before concluding, express my great regret that dissensions should exist, such as have given rise to the proceedings which have taken place. And from what I have heard, *indeed, I may say, from what I know* of the character of Dr. Warren, of his learning, of his piety, of his talents, of his general good conduct, which have been stated on the one side, and not even attempted to be contradicted on the other; taking all these things, I say, into consideration, *I must express my regret that he should be the sufferer;* I WILL NOT SAY THE VICTIM; the sufferer arising out of a contest which originated, as it appears, in the establishment of a particular body, which this Society, or a part of this Society, thought it right to introduce. I again express my regret that *he should have been the sufferer*, I WILL NOT SAY THE VICTIM, but the *sufferer* in these proceedings. The judgment, therefore, of the Vice-Chancellor must be affirmed, and is accordingly affirmed.

The above Judgment was delivered with great deliberation and dignity, amidst the profound attention of the very crowded Court. The parties remained for some time afterwards, Mr. Newton and Dr. Bunting receiving the congratulations of their friends; and the friends of Dr. Warren rallying round him, and urging him, notwithstanding this apparent defeat, not to rest short in pursuing the great and important objects, to the accomplishment of which he had devoted himself.

# THE AFFIDAVITS.

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THE following are portions of the pleadings in the foregoing cases, which are necessary to a perfect understanding of them.

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Affidavit of James Fildes, of Manchester, Grocer; Thomas Mellor, of Manchester, Gentleman; James Hedley, of Manchester, aforesaid, Calico-printer; William Robinson Johnson, of Manchester, Merchant; and John Holgate, of Manchester, aforesaid, Pawnbroker, five of the Defendants; and Edmund Grindrod, of Salford, Wesleyan Minister; John Anderson, of Manchester, aforesaid, Wesleyan Minister; Edward Norris, of Manchester, aforesaid, Merchant; Joseph Hollingworth, of Manchester, aforesaid, Wesleyan Minister; Samuel Hardey, of Manchester, aforesaid, Wesleyan Minister; Isaac Speakman, of Manchester, aforesaid, Collecter; James Everett Storey, of Manchester, aforesaid, Bookseller; and John Mc Intyre, of Manchester, aforesaid, Linen-merchant, sworn,

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Say they believe, that the instances in which any of the charges mentioned in the said Plan of Pacification have been preferred against any preacher, by a majority of the trustees, or the stewards and leaders of any society have been so exceedingly rare, that few persons can remember to have heard of the trial of a preacher before a tribunal constituted as provided in the second of the said Articles of Agreement for General Pacification, concerning discipline; but these deponents say, that, within their own knowledge, many instances have occurred, in which preachers have been tried and suspended by District Meetings composed of preachers only; and particularly a District Meeting held at Manchester, in the month of May last, at which this plaintiff, Samuel Warren, was present, when a preacher was suspended for a crime other than those mentioned in the said Plan of Pacification; at which Meeting, as these deponents, Edmund Grindrod and John Anderson, say, it is true, and these other deponents say they have been informed, and believe, that the said Samuel Warren was present, and never made any objections to the constitution of such Meeting, and voted for such suspension; and these deponents believe such usage, as before stated, existed, not only in late years, but was considered as conformable to the Rules and Regulations of the said Society, immediately after the making of the said Rules of Agreement for General Pacification; and deponents believe, in the month of October 1797, one of the preachers of the Wesleyan-Methodist Connexion, named Henry Taylor, was tried and suspended by a District Committee at Manchester, composed of preachers only; and these deponents believe, that such suspension was communicated to such preacher by a letter, of which the following (omitting the name of the preacher) is a copy:—that is to say, "Manchester, Oct. 11, 1797, My dear Brother,—We are under the necessity, the painful necessity, after a just and impartial examination of your conduct, according to the evidence produced, on the ground of your conduct being highly imprudent, to suspend you from filling the office of a public preacher in our Connexion until the Conference. We were satisfied that the charge of direct criminality is not proved against you, though we lament that you have given cause to the enemies of the Redeemer and Methodism to rejoice. You may depend upon the brethren doing every thing for your family in the interval of the Conference, and leave it to your judgment whether you will stay in the house at Blackburn or not. The Stewards have been directed by the District to supply your wants the same as when travelling the Circuit. We have no doubt but your conduct in the Circuit will merit the good opinion of your brethren until the Conference. Signed in the behalf of the District, John Gaulter."

Say, that the Meetings of the District Committee, properly so called, consisting of preachers only, when convened specially for the purpose of trying any preacher, have, since the year 1795, been, and are usually termed, Special District Meetings; and that Meetings of the chairman and four of the preachers of a District Committee for the purposes mentioned in the regulations made by the Conference in the year 1793, for the determination of matters relating to any preacher, have been, and are usually termed, Minor District Meetings.

Say, that the said plaintiff, Samuel Warren, was appointed at the Conference of the said Connexion, held in the months of July and August last, to preach for one year, but for no longer, in the chapels of the First Manchester Circuit, in which Circuit the chapel mentioned in the said bill is situated, and such appointment will, therefore, cease at the next meeting of the said Conference, which will take place in the months of July and August next.

Say, that the said plaintiff, Samuel Warren, shortly after the sitting of the said last Conference, published a pamphlet, entitled, "Remarks on the Wesleyan Theological Institution

for the Education of the Junior Preachers, together with the substance of a Speech delivered on the subject, in the London Conference of 1834, by Samuel Warren, LL.D."

Say, that such pamphlet is highly objectionable, subversive of the rules and discipline of the said Wesleyan-Methodist Connexion.

Deponents, Edmund Grindrod and Joseph Hollingworth, say, that, immediately upon the appearance of the pamphlet last aforesaid, they, these deponents, and the said Robert Newton, one of the above-named defendants, called upon the said Samuel Warren, and expressed to him their deep conviction of the evil which the said pamphlet was likely to produce, and entreated him to prevent its further circulation.

Deponent, John Anderson, saith, that the said plaintiff, Samuel Warren, having ultimately declined to withdraw the said pamphlet from circulation, he, this deponent, who is the Superintendent of the Third Manchester Circuit, preferred against the said plaintiff, Samuel Warren, the charges hereinafter mentioned; and that he believes that the above-named defendant, Robert Newton, the Chairman of the District in which the Manchester Circuits are situate, upon the formal application of this deponent, called a Special District Meeting, pursuant to the hereinbefore-mentioned second regulation concerning the management of Districts of the year 1792, and requested the Rev. Joseph Taylor, the President of the Conference, to attend at such Special District Meeting, pursuant to the first of the sundry miscellaneous regulations of the year 1797; and that the said defendant, Robert Newton, also pursuant to the hereinbefore-mentioned third regulation concerning the management of Districts, of the year 1792, wrote and sent to the said plaintiff, Samuel Warren, a letter, dated the 11th of October, 1834, containing the aforesaid charges.

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Deponents, Edmund Grindrod, John Anderson, and Joseph Hollingworth, for themselves, further severally say, that it is true, and deponents, James Fildes, Thomas Mellor, James Hedley, William Robinson Johnson, and John Holgate, for themselves severally say, that they have been informed and believe, that said Special District Meeting was held on said 22d Oct. 1834, in said Stewards'room, Oldham-street, and that the same consisted of said Joseph Taylor, Robert Newton, Edmund Grindrod, John Anderson, and Joseph Hollingworth, and of the Rev. Messrs. Crowther, Shelmerdine, Gibbons, M'Kitrick, Hanwell, Hill, Squance, Burt, Lusher, Woolsey, West, Holgate, Turner, Hardy, Osborn, Prest, Ricketts, and Steward, and that said plaintiff, Samuel Warren, attended at such Special District Meeting, and that the Minutes of the Conference on the subject of the Wesleyan Theological Institution, the said pamphlet, and said charges, were read at such Meeting, and that the said plaintiff, Samuel Warren, never made the smallest objection to the constitution of such District Meeting, but proceeded to take his trial before it; and when asked whether he admitted the truth of the charges against him, replied, that he could not admit them *en masse*; and that, thereupon, the first charge having been read, and the said Samuel Warren having been asked by the President whether he admitted it, replied, that he could not answer that question until the specific measures intended by the charge had been set forth; and that the Meeting then was about to proceed with the said trial, but was interrupted by the said Samuel Warren refusing to stand his trial, unless a friend of his, who had been admitted, at his request, as a witness of the proceedings, but whose presence had never been asked as a party required to give evidence upon any of the charges aforesaid, and who had been ordered to withdraw by the Meeting for alleged misconduct, was permitted to stay, although all deponents last aforesaid say, that said friend of said Samuel Warren was not, according to any rule or usage of the said Connexion whatever, entitled to be present.

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Deponents, James Fildes, Thomas Mellor, James Hedley, William Robinson Johnson, and John Holgate, believe and submit, that according to the existing laws, rules, and regulations, by which the Wesleyan-Methodist Connexion is governed, the said plaintiff, Samuel Warren, was properly suspended, and that he cannot, until his case has been decided by the Conference, be allowed to perform the duties of a Travelling or Itinerant Preacher of the said Connexion. However, deponents say, that said plaintiff, Samuel Warren, is not by such decision of said Special District Meeting, deprived of any of the emoluments or temporal benefits which attached to his office of preacher, but that he is at liberty to receive the same until the next meeting of the Conference, in the same manner as if he was exercising all the duties of a preacher.

Deponent, Edmund Norris, saith, that on or about the 3rd of January last, he, deponent, called upon said plaintiff, Samuel Warren, and tendered him the sum of 13*l.* 13s., being the usual amount which said Samuel Warren was quarterly entitled to receive in respect of his salary or stipend as a preacher in the said circuit from deponent, as such Society's steward as aforesaid. And, also, that he deponent did on, or about, the day of January last, again call upon said Samuel Warren, and for and on the behalf of William Allen, of Manchester, aforesaid, merchant, and William Tynney Johnston, of Manchester aforesaid, merchant, who are the circuit stewards of the said Manchester Circuit, but who were then either indisposed or absent from home, tender to the said Samuel Warren the further sum of 16*l.* 5s. being the usual amount which said Samuel Warren was quarterly entitled to receive in respect of his salary or stipend as a preacher in the said circuit from such circuit stewards as aforesaid, and that said Samuel Warren refused to receive both the sums of money so tendered, alleging that he could not acknowledge defendant and said William Allen and William F. Johnson to be the stewards which they asserted themselves to be.

Deponents, James Fildes, Thomas Mellor, James Hedley, William Robinson Johnson, and John Holgate, further severally say, that said Samuel Warren still continues to occupy, free of rent, the dwelling-house usually occupied by the Superintendent preacher of said circuit, in the same manner as he did before his aforesaid suspension; and that they, deponents, are willing to undertake and guarantee that he shall continue in such occupation until the time of the next yearly Conference, and are also willing to undertake and guarantee, that his usual salary or stipend shall continue to be paid to him until the same period.

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Deponents further say, they believe that both before and since said plaintiff, Samuel Warren, received such notice as hereinbefore-mentioned, of the charges preferred against him, and especially since he has been suspended as aforesaid, his conduct has been such as to be a continued and open violation of the principles of the Wesleyan-Methodist constitution, to place him in a state of virtual separation from said Wesleyan-Methodist Connexion, as deponents submit will appear from the facts hereinafter stated.

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Deponent, James Fildes, saith, that he was invited to attend, and did attend accordingly, a certain secret meeting, holden the 17th of October last, for the purpose of considering and settling certain resolutions and propositions, which were subsequently adopted at meetings of the First Manchester Circuit, said to have been adjourned Quarterly Meetings, of which are hereinbefore particularly mentioned. And that the said plaintiff, Samuel Warren, at such secret meeting, explicitly declared his entire approval of those resolutions and propositions, and repeatedly spoke of them, as though he had written them, which deponent felt assured he did, and recommended them to the approval of the persons present at such meeting, and expressed his readiness to make himself, as he stated, a sacrifice for the purpose of carrying the same into effect; and that he urged the persons associated at the said private Meeting, to use their best endeavours to engage the people (meaning, as deponent believes, the members of the said Connexion, in other towns and places, as well as those at Manchester aforesaid,) in his scheme of general agitation, assuring them, that the people had the power to compel the Conference to make such concessions as those which were proposed.

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Deponents, James Fildes, Thomas Mellor, James Hedley, William Robinson Johnson, and John Holgate, say, they believe that the letter or address now produced to deponents, and marked (I), purporting to be an "Address of the Stewards, Leaders, Local Preachers, and other officers of the First Manchester Circuit" to the societies throughout the Wesleyan Connexion, and to be signed on behalf of the meeting by Edward Clegg and John Hull, therein alleged to be circuit stewards, was written and published with the privity and sanction of said plaintiff, Samuel Warren.

Say, that if, according to the above-mentioned resolutions, all supplies whatever of money except the weekly and quarterly contributions of the members of society, should be withheld, it would be very injurious to said Wesleyan-Methodist Connexion; for deponents say that many hundreds of the preachers of said Connexion would be forthwith so far deprived of the means of maintaining themselves and their families, that they must immediately cease to have any further connection with said society; and that the trustees of many chapels now belonging to said society, and which are in embarrassed circumstances, would forthwith be left entirely to their own resources, and would be compelled to sell the said chapels; and that, in consequence of the necessary desertion of the preachers, others of the chapels in the said Connexion which now receive the services of the said preachers gratuitously, the salaries of such preachers being paid out of the circuit funds, would have to pay some other minister, and would be put to great expense and embarrassment accordingly.

Say that, branches of the said Association have been formed in divers towns where there are known to be large societies belonging to the said Connexion, and that public meetings have been held at the formation of many of such branches, at some of which the said Samuel Warren hath attended, and hath spoken at great length in defence of the objects of the said Association, and hath recommended the people there present to withhold their contributions to the funds aforesaid, until such objects were attained; and that divers large rooms have been taken in and near the said town of Manchester, in which the said Samuel Warren, and the local preachers who have seceded with him, regularly preach; and that placards, announcing the opening of some of such rooms, have announced that they were connected with the Association aforesaid; and that the congregation at the chapel in Oldham-road aforesaid, is materially diminished by the opening of such rooms to the great detriment of the said Connexion, and of the trustees of said chapel: and they have been informed and believe that, at a meeting of the said Association, recently held at Oldham, in the said county, at which the said plaintiff, Samuel Warren, was present, he publicly avowed his regret that he had not advised the people to withhold all contributions, not only to the general funds aforesaid, but also to the said before-mentioned circuit funds out of which the travelling or itinerant preachers of said Connexion are so supported and maintained as aforesaid.

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Say, that, although, as they have been informed and believe, the said Samuel Warren asserts that he has been unduly suspended, yet the only regulation of the said Conference,

upon which the said Samuel Warren founds such his allegation, was not meant to bear the meaning which the said Samuel Warren now attempts to attach to it, such meaning being utterly inconsistent both with the evils which the said Articles of Pacification were intended to remedy, and the manner in which it was intended to remedy them; and such meaning, being expressly contrary to the spirit and wording of other express rules and regulations of the said Conference, passed both before and at the same time with and subsequently to the said Articles of Pacification, and to the whole general system and principle, and to the frequent and undisputed practice of the said Connexion.

Say, that the said Samuel Warren had no knowledge of the manner in which the said District Meeting held upon his case had been called, or that the practice of calling a District Meeting is so uniformly that of calling together the preachers of the district, only that the said Samuel Warren was certain to be aware if any deviation from the ordinary method had taken place, besides which the said Samuel Warren was expressly informed that the charges against him were preferred by a preacher, and knew, therefore, that the Rules of Pacification did not and could not apply to his case.

Deponents, James Fildes, Edward Norris, Isaac Speakman, and James E. Storey, severally say, that the said Samuel Warren was and must have been perfectly aware that the object of his appearing before the said District Meeting would be contemplated as proceeding to the execution of the highest penalty—that of suspension from the exercise of the functions of a Christian minister, for the publishing of the said pamphlet, inasmuch as the said Samuel Warren, in their hearing at the said alleged adjourned Quarterly Meeting of the said Manchester Circuit, held only the day but one before the said Manchester District Meeting, used the following words in their hearing, in allusion to the said then expected Special District Meeting, which words deponents remember, because a minute thereof was taken at the time:—"I have the most perfect confidence in the characters and integrity of my brethren who will compose that meeting: I know they will perform their duty conscientiously and properly, in the fear of God; and I will most cheerfully bow to their decision; and, if the matter be carried forward to the Conference, and the sentence of suspension be then confirmed, I will most willingly acquiesce, and request as a special favour permission to continue in the society as a private member." In addition to which at the same alleged adjourned Quarterly Meeting, the possibility of his suspension was openly alluded to both by deponent Edward Norris, and by one John ——, a particular friend of the said Samuel Warren, who inquired whether in such a case Mr. Crowther, the other travelling preacher then present, would promise that the chairman of another adjourned Quarterly Meeting, which it was then proposed to hold, would put to such meeting the aforesaid proposition mentioned to have been subsequently passed on the 3d day of November last.

Deponent, James Fildes, says, that he, deponent, heard the said Samuel Warren acknowledge the expected constitution of the said District Meeting, and the possibility of his suspension by its authority at the secret meeting hereinbefore-mentioned, as having been held on the 17th of October last, in terms precisely similar to those hereinbefore-mentioned, as having been used by him at the said alleged adjourned Quarterly Meeting of the 20th day of October last.

Deponents, James Fildes, Thomas Mellor, James Hedley, William Robinson Johnson, and John Holgate, say, that they are informed and believe, that the said Samuel Warren has made other admissions of his previous knowledge of the constitution and powers of the said District Meeting, besides those hereinbefore set forth.

Say, that the said Samuel Warren has, since his suspension, published two pamphlets relative thereto; one entitled "An Account of the Proceedings of a Special District Meeting held in Manchester, October 22d and 23d, 1834;" and the other, "A Correct Statement of the Law of District Meetings, relative to the Trial of Preachers," &c.: in the former of which pamphlets he expressly admits that the whole drift of the second of the said Articles of Pacification concerning discipline is to establish equal rights on the part of the people and of the preachers, in bringing an accused preacher to trial and trying him; and that it is impossible to deny that it is the uniform practice of District Meetings to arraign, to try, and to suspend preachers by the sole and exclusive authority of the preachers: and in the latter of which pamphlet he also allows that a District Committee, as it is usually composed, may consistently with the Plan of Pacification proceed with ordinary business, according to former rules or former practice, as they may agree among themselves; and that they may administer reproof, or inflict any punishment, short of suspension, on an accused preacher, and leave his case to the ultimate decision of the Conference.

Say, that in the latter of the said pamphlets, the said plaintiff, Samuel Warren, asserts, that at the time of compiling a certain work, entitled "A Digest of the Laws of Methodism," and published in the year 1827, the several rules relating to District Meetings came under his observation; and that, knowing that the practice of the preachers was generally, according to 1792 and 1793, in respect of District Meetings, he knew that to have omitted the rules by which such practice seemed to be justified, would have instantly subjected the work to condemnation as being defective in its statements, and he was not then prepared to dispute the points with the Conference.

Submit, that the statements so made by said Samuel Warren as last mentioned, clearly proved that, at all events, the said Samuel Warren ought to have continued to take his trial, and to have submitted to any punishment, short of suspension, which the said District Meeting thought proper to inflict; which punishment, these deponents say, they believe would not have been suspension: and that at and before the time of said District Meeting,

said Samuel Warren was perfectly aware of the true construction of said Articles of Pacification, and knew that the provisions therein contained were not applicable to his case.

Say, that they are informed and verily believe that said Samuel Warren did not originally intend to dispute the legality of said District Meeting on the ground which he has now taken, but on some other ground, of the nature of which these deponents are not aware; and that the idea of disputing the legality of said District Meeting was first suggested to said Samuel Warren by some other person or persons, and was by him for some time after said District Meeting refused to be taken as considering it to be utterly untenable.

Say, that they believe that the agitation which some time ago existed amongst the societies and congregations in said First Manchester Circuit is in some degree subsiding, and that some measure of order and harmony is beginning to prevail; but that, if said Samuel Warren should be reinstated in the occupation of said chapel, these deponents verily believe that it would be attended with the most disastrous consequences to said societies and congregations, and to the trust estate in Oldham-road aforesaid, inasmuch as the restoration of the said Samuel Warren could be but temporary, until the next meeting of the said Conference in July next. And the said Samuel Warren, in the opinion of these deponents, is already committed so far to the line of conduct which he has lately pursued, as to render all chance of any thing but his expulsion from the Conference and Connexion utterly hopeless; as these deponents conceive to be most decisively indicated, as well by various demonstrations which have been made of the regret and condemnation with which the vast majority of the members of the said Connexion view the principles and conduct of the said Samuel Warren, as by a certain declaration expressive of the same sentiments, which has been signed by upwards of 800 preachers, out of the number of those who are in the habit of attending the meetings of the said Conference: and, inasmuch as the said Samuel Warren is fully aware of the almost certain decision of the Conference on his case, and will, therefore, naturally use all his influence to strengthen and increase the separate party and sect which already exists in the said Circuit, and the said societies and congregations will therefore be kept for several months in continual agitation.

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Affidavit of Joseph Taylor, of Hackney, county of Middlesex, Wesleyan Minister; Robert Newton, of Manchester, county of Lancaster, Wesleyan Minister, a defendant, and Chairman of the Manchester District of the Society called "The Wesleyan-Methodist Society," or "The Wesleyan-Methodist Connexion;" Jonathan Crowther, of Manchester, aforesaid, Wesleyan Minister, Secretary of said District; William Shelmerdine, of Barton, in said county, Wesleyan Minister; Edward Gibbons, of Manchester aforesaid, Wesleyan Minister; William M'Kitrick, of New Mills, county of Derby, Wesleyan Minister; John Hanwell, of Manchester, aforesaid, Wesleyan Minister; Edmund Grindrod, of Salford, in Lancaster, aforesaid, Wesleyan Minister; Joseph Hollingworth, of Manchester, aforesaid, Wesleyan Minister; Thomas Hill, of Ashton-under-Line, in said county of Lancaster; John Anderson, of Manchester, aforesaid; Thomas Hall Squance, of Salford, aforesaid; William Burt, of Stockport, county of Chester; Robert Langham Lusher, of Manchester, aforesaid; William Woolsey, of Oldham, in Lancaster, aforesaid; Francis Athow West, of Stockport, aforesaid; Israel Holgate, of Altringham, in Chester, aforesaid; George Turner, of Oldham, aforesaid; Thomas Hardy, of Glossop, in said county of Derby; George Osborn, of Stockport, aforesaid; Charles Prest, of Pendleton, in Lancaster, aforesaid; William Ricketts, of Ashton-under-Line, aforesaid; and George Steward, of Manchester, aforesaid, all Wesleyan Ministers, sworn.

Deponent, Joseph Taylor, saith, that he hath been a member of said Connexion for thirty-four years past, and that he was appointed, in the year 1822, to be, and has ever since been, and now is, a member of the Conference of the said Wesleyan-Methodist Connexion, and that he was duly chosen the President of the last Conference of said Connexion.

Deponent, Robert Newton, saith, that he hath been a member of said Connexion for thirty-five years past, and that he was appointed, in or about the year 1820, to be, and has ever since been, and now is, a member of said Conference.

Deponent, Jonathan Crowther, saith, that he hath been a member of said Connexion for twenty-five years past.

Deponent, William Shelmerdine, saith, that he hath been a member of said Connexion for fifty-four years past.

Deponent, Edward Gibbons, saith, that he hath been a member of said Connexion for fifty years past.

Deponent, William M'Kitrick, saith, that he hath been a member of said Connexion for thirty-one years past.

Deponent, John Hanwell, saith, that he hath been a member of said Connexion for thirty-two years past.

Deponent, Edmund Grindrod, saith, that he hath been a member of said Connexion for thirty-five years past.

Deponent, Joseph Hollingworth, saith, that he hath been a member of said Connexion for thirty-one years past.

Deponent, Thomas Hill, saith, that he hath been a member of said Connexion for thirty years past.

Deponent, John Anderson, saith, that he hath been a member of said Connexion for twenty-six years past.

Deponent, Thomas Hall Squance, saith, that he hath been a member of said Connexion for twenty-nine years past.

Deponent, William Burt, saith, that he hath been a member of said Connexion for twenty-five years past.

Deponent, Robert Langham Lusher, saith, that he hath been a member of said Connexion for twenty-eight years past.

Deponent, William Woolsey, saith, that he hath been a member of said Connexion for twenty-two years past.

Deponent, Francis Athow West, saith, that he hath been a member of said Connexion for seventeen years past.

Deponent, Israel Holgate, saith, that he hath been a member of said Connexion for fourteen years past.

Deponent, George Turner, saith, that he hath been a member of said Connexion for sixteen years past.

Deponent, Thomas Hardy, saith, that he hath been a member of said Connexion for thirteen years past.

Deponent, George Osborn, saith, that he hath been a member of said Connexion for eleven years past.

Deponent, Charles Prest, saith, that he hath been a member of said Connexion for fourteen years past.

Deponent, William Ricketts, saith, that he hath been a member of said Connexion for ten years past.

Deponent, George Steward, saith, that he hath been a member of said Connexion for nine years past.

Say, that they are some of the preachers appointed by the Conference in the year 1834 to different Circuits within the Manchester District.

Believe that plaintiff, Samuel Warren, of Manchester, aforesaid, Wesleyan Minister, in the month of September, 1834, published a pamphlet, entitled "Remarks on the Wesleyan Theological Institution, for the education of Junior Preachers, together with the substance of a Speech delivered on the subject in the London Conference of 1834. By Samuel Warren, LL.D."

Believe, that such pamphlet is highly objectionable and subversive of the rules and discipline of said Wesleyan Connexion.

Deponents, Newton, Grindrod, and Hollingworth, say, that immediately upon the appearance of such publication, deponents, Newton, Grindrod, and Hollingworth, called upon said plaintiff, Samuel Warren, on the 20th Sept. 1834, and expressed to him their deep conviction of the evil which said publication was likely to produce, and entreated him to prevent, as far as lay in his power, its further circulation.

Say, that said plaintiff, Samuel Warren, in answer to the entreaties of last-named deponents, expressed himself to the following effect:—"I have not published that pamphlet without deep thought. I can enter into no engagement to suppress it."

Say, that in reply to the aforesaid declaration of said plaintiff, Samuel Warren, deponent Newton said, "Then, Doctor, you will compel us to proceedings which will be very painful to us:" whereupon said plaintiff, Samuel Warren, said, "I have not studied Methodism so long as not to know all the bearings of what I have done, and I am fully aware that you must proceed in the usual way."

Deponents, Newton, Grindrod, and Hollingworth, say, that they requested said plaintiff, Samuel Warren, not to be hasty in concluding on a matter so important to himself, and to the general body of the Wesleyan-Methodist Connexion; and deponents, Robert Newton, Edmund Grindrod, and Joseph Hollingworth, then determined that the interval from Saturday evening when the said request was made, until the following Monday morning, should be allowed before his final answer should be given.

Deponent, Robert Newton, saith, that on the Monday morning following, he, deponent, Robert Newton, called a second time on the said plaintiff, Samuel Warren, when the said plaintiff, Samuel Warren, avowed more strongly his resolution not to withdraw the said pamphlet from circulation; and said Samuel Warren then expressed himself to the effect, that "of course his brethren must proceed in his case in the usual way."

Deponents say, that afterwards similar remonstrances were made by some of deponents; to wit, by said Thomas Hall Squance and Jonathan Crowther, to said plaintiff, Samuel Warren, to prevent the further circulation of the said pamphlet so far as was in his power, but that such remonstrances were unsuccessful; in consequence whereof, this deponent, John Anderson, as he conceived that he was in duty bound to do, prepared against said plaintiff, Samuel Warren, the charges in the plaintiff's bill set forth and hereinafter referred to.

Deponent, Robert Newton, the Chairman of the District in which the Manchester Circuits are situate, upon the formal application by deponent, John Anderson, called a Special District Meeting, and requested said Joseph Taylor, the President of the Conference, to attend at such Special District Meeting, pursuant to the first of certain sundry miscellaneous regulations made by the Conference in the year 1797, and deponent also, pursuant to the third regulation made by the Conference in the year 1792, concerning the management of Districts, wrote and sent to the plaintiff, Samuel Warren, a letter dated the 11th of October, 1834, containing the aforesaid charges, and which letter and charges are set forth in the plaintiff's bill.

Deponents say, that the said Special District Meeting assembled according to appointment on the 22d October, 1834, and that these deponents constituted such Special District Meeting, and that said Joseph Taylor presided at the said meeting.

Say, that George Brown Macdonald, a preacher of said Connexion, and now usually resident in the city of Bristol, being casually in Manchester on that day, a request was made in his behalf that he might be allowed the privilege of being present at the said meeting.

Say, that it was distinctly understood that, according to the regulations and usages of the said Wesleyan-Methodist Connexion, the preacher not of the District could not claim the privilege of attending the Special District Meeting as a matter of right.

Say, that such privilege was accordingly granted with the special assent of the said plaintiff, Samuel Warren, and on the usual condition, that the said George Brown Macdonald should take no part whatever in the business of the said Special District Meeting.

Say, that the said plaintiff, Samuel Warren, requested the like indulgence on behalf of a "personal friend" of his, a Travelling Preacher in full Connexion, and who was present at the late Conference, without stating his name; and that such request also was immediately granted by the members of the Special District Meeting, with an express stipulation assented to by the said plaintiff, Samuel Warren, that this friend should take no part in the proceedings of the said meeting.

Say, that the Rev. James Bromley, in the plaintiff's bill named the friend of the said plaintiff, Samuel Warren, shortly afterwards entered the room where the meeting was assembled, and placing himself by the side of the said plaintiff, Samuel Warren, began immediately to make notes of the proceedings, which being objected to by these deponents, the said James Bromley, after a little hesitation, desisted.

Deponents further say, that the Minutes of Conference, to which the said pamphlet of the said plaintiff, Samuel Warren, referred, and the charges preferred against the said plaintiff, Samuel Warren, were read at the said meeting; and thereupon the said plaintiff, Samuel Warren, was asked by the President of the said meeting, whether he admitted the truth of the said charges, and that, in answer to such inquiry, the said plaintiff, Samuel Warren replied, "I cannot admit them, *en masse*."

Deponents say, that the said Joseph Taylor, the President, thereupon directed that each charge should be read separately.

Deponents say, that the first charge was read accordingly, and that the President then inquired of said plaintiff, Samuel Warren, whether he admitted such first charge; to which said plaintiff, Samuel Warren, replied to the effect, that he could not answer that question till the specific matters intended by the charge had been set forth.

Say, that the said meeting was preparing itself to hear evidence and reasoning in support of the said first charge, when deponents observed that, in defiance of the terms on which the said James Bromley had been admitted to be present at the said meeting, he was in fact, by whispering repeatedly with the said plaintiff, Samuel Warren, intermeddling with and interrupting the business of the meeting, so much so, that in repeated instances the said President, Joseph Taylor, could have no answer to the questions which were proposed to the said plaintiff, Samuel Warren, until he had previously conferred with the said James Bromley.

Say, that the said James Bromley was therefore required by the said meeting to take a seat apart from the said plaintiff, Samuel Warren, and as the indispensable condition of his being permitted to retain the indulgence of continuing at the said meeting, to remain as a spectator and hearer only.

Say that, after a little hesitation, the said James Bromley took a seat in another part of the room, but in taking such seat, he remarked, in the hearing of several deponents, "this is most consummate cruelty;" and amidst the conversation which immediately ensued thereon, he, said James Bromley, never made the slightest apology for such remark; but, on the contrary, he in reply to the remarks of a preacher sitting near him, expressed himself in these words, that is to say, "Nay, turn me out;" and that the same, or similar words, were afterwards more than once repeated in the hearing of several of deponents.

Say, that to prevent any further interruption from the said James Bromley, it was moved that both the strangers should forthwith retire from said Special District Meeting.

Say, that such resolution having been seconded, said plaintiff, Samuel Warren, immediately arose, and having expressed in strong terms his affection for all the brethren present, and his entire confidence in their integrity, added the following words:—"What I am now about to say has not been written down: it is, nevertheless, the result of deep thought and mature deliberation. If Mr. Bromley be required to withdraw from the meeting, I declare to you I will not stand my trial, come what will."

Say, that the said plaintiff, Samuel Warren, was then very earnestly expostulated with by the President, and other members of the said Special District Meeting, for making such declaration.

Say, that the refusal of said plaintiff, Samuel Warren, to attend any longer at the said meeting, though given in the most earnest and solemn manner, was not immediately accepted, but two hours were, by mutual agreement, allowed him to re-consider his determination.

Say, that on the expiration of said two hours, the plaintiff, Samuel Warren, addressed to the President a note, of which the following is a copy:—"Oldham-street, Manchester, October 22d, 1834. Dear Sir,—After mature deliberation, under existing circumstances, I have come to this final conclusion, that I do not think it my duty to attend any future session of the District Meeting called on my case. When you shall have come to your ultimate resolution, be pleased to send it to me in writing to my house. I am, dear Sir, yours most respectfully, Samuel Warren.—To the Rev. Joseph Taylor, President of the Wesleyan-Methodist Conference."

Say, that on the receipt of this note of the plaintiff, Samuel Warren, the said Special District Meeting was adjourned to the next day, and that on the next day, being the twenty-third day of October, one thousand eight hundred and thirty-four, a deputation, consisting of deponents, Robert Newton, William M'Kitrick, John Hanwell, and Jonathan Crowther, waited upon the said plaintiff, Samuel Warren, to inquire whether he had altered the determination so avowed by him on the preceding day. He replied, "I abide by the note which I sent yesterday, to all intents and purposes."

Deponents, Robert Newton, William M'Kitrick, John Hanwell, and Jonathan Crowther, say, that the said plaintiff, Samuel Warren, added also the following words:—"I believe that what my brethren do in this case, they will do in the fear of my God, and I shall submit myself to their decision; and, if the ultimatum of the Conference should be, that I must retire from the work of an Itinerant Preacher, I shall still crave the privilege of being allowed to continue as a private member."

Say, that in excluding the said James Bromley, for the reasons aforesaid, from the said Special District Meeting, deponents had no intention of preventing his being subsequently admitted in any stage of the proceedings of the said meeting as a witness, only in case the said plaintiff, Samuel Warren, should have wanted his testimony on any fact or matter arising out of the said charges in the course of the trial; and that deponents so expressly assured the said Samuel Warren.

Say, that, in consequence of the aforesaid determination of said plaintiff, Samuel Warren, on the subject of the said trial, the said District Meeting so adjourned as aforesaid, was again assembled on the 23rd day of October, 1834; and deponents conceiving, as they believe rightly, that, according to the laws and usages of the Wesleyan-Methodist Connexion, the said plaintiff, Samuel Warren, left them no alternative in the due execution of the duties reposed in them by the Conference, but to suspend him from exercising the duties of a preacher, unanimously adopted certain resolutions, which, as the said defendants verily believe, inflict a punishment upon the said plaintiff, Samuel Warren, as lenient as the said Special District Meeting could, under the circumstances aforesaid, impose consistently with their duty to the Conference and the body of the said Wesleyan-Methodist Connexion.

Say, that such resolutions are as follows: that is to say, First, That Dr. Warren, by his positive and repeated refusal to take his trial at this District Meeting, has left the meeting, however reluctant thus to proceed, no alternative consistent with the existing laws and usages of the Body, but that of declaring him to be suspended from his office as a Travelling Preacher: and he is hereby suspended accordingly. Second, That, nevertheless, if within a month of the date of these resolutions, Dr. Warren shall signify to the Chairman of the District his willingness to take his trial before a Special District Meeting on the charges of which he has received regular and formal notice, the sentence of suspension shall be removed on the assembling of that meeting, and he shall be allowed to have his trial without any bar or disadvantage, on account of his present refusal to attend any future session of this District Meeting. Third, That in case of Dr. Warren's declining to give the required intimation to the Chairman of the District, within the period above specified, he shall, thereupon, be considered as being suspended until the next Conference. Fourth, That by the President's appointment, and with the unanimous concurrence of the meeting, the Chairman of the District be requested to undertake for the present the charge of the First Manchester Circuit, as Superintendent of the same.

Say, that the said plaintiff, Samuel Warren, has not, since the said resolutions were passed, signified his willingness to them, or to any of them, or to any other person, to their or any of their knowledge or belief, to take his trial before a Special District Meeting on the aforesaid charges.

Say, they verily believe that the aforesaid charges were made against the said plaintiff, Samuel Warren, and that the Special District Committee was convened, and the trial commenced, and the several proceedings were had upon such trial, according to the laws and usages by which the said Wesleyan-Methodist Connexion is governed; and that the Articles of Agreement for a general pacification, or any of them, have no application to the offence with which the said plaintiff, Samuel Warren, was charged; and that a Special District Meeting was the proper tribunal for examining into, and deciding upon, the aforesaid charges.

Say, that in all the aforesaid proceedings which have been had and taken, in consequence of the publication of the aforesaid pamphlet, deponents have not been actuated by any feeling of hostility or ill-will against the said plaintiff, Samuel Warren, or a wish to inflict any injury upon him, which could possibly be avoided; and, in such proceedings, deponents have been influenced solely by a conviction, that they were bound to fulfil the duties reposed in them by the Conference, and the laws and usages of the said Wesleyan-Methodist Connexion, and, as far as lay in their power, during the intervals between the sittings of the Conference, to prevent any illegal opposition to the decisions of the preceding Conference, and to maintain the laws, usages, rules, and regulations, of the Wesleyan-Methodist Connexion, as at present established.

Say, that deponent, Robert Newton, does not derive any emolument whatsoever from the appointment to be Superintendent of the First Manchester Circuit, or from being appointed a preacher within the same, in the place of the said plaintiff, Samuel Warren, but that such appointment withdraws deponent, Robert Newton, much from his home, and exposes him to much personal inconvenience, for the purpose of performing the duties of Superintendent of the First Manchester Circuit; which deponent, Robert Newton, has

undertaken solely from a feeling that he was performing his bounden duty to the Conference, and to the body of the members of the Wesleyan-Methodist Connexion, by accepting such appointment, and not from any desire to molest or interfere with the said plaintiff, Samuel Warren.

Say, that the several matters and things stated and set forth in the pamphlet now produced to deponents, and marked N, and purporting to be the "Statement of the Preachers of the Manchester District on the Case of Dr. Warren," are well and truly stated and set forth.

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Affidavit of James Wood, of the city of Bristol, Wesleyan Minister; Richard Treffry, of said city, Wesleyan Minister; and Robert Smith, of Kingswood, in the county of Gloucester, Wesleyan Minister. Sworn Feb. 20, 1835.

Deponent Wood saith, that he has been a Travelling Preacher in the Wesleyan-Methodist Connexion for fifty-three years and upwards.

Deponent Treffry saith, that he hath been a Travelling Preacher for forty-two years and upwards.

Deponent Smith saith, that he hath been a Travelling Preacher in said Connexion for forty-two years and upwards.

Say, they well remember the disputes which took place amongst the members of the said Connexion in and about the years 1795 and 1791, and that such disputes related to the administration of the Lord's Supper, and to preaching during church-hours in the chapels belonging to the said Connexion; and that the Articles of Agreement for General Pacification made by the Conference of the said Connexion in the year 1795 were made for the settlement of such disputes.

Say, that they do not believe that it was the intention or wish either of the Conference or of the various societies belonging to the said Connexion, by means of the said Articles of Agreement, or any of them, to take from the District Committees of the said Conference, composed of preachers only, any power or authority whatsoever which such committees enjoyed previous to the making of such Articles of Agreement; but, on the contrary, these deponents say, that it has been the invariable—and, so far as these deponents know, the undisputed—usage of the said Connexion, and has been repeatedly acknowledged as a standing principle and rule of the said Connexion, that said District Committees, composed of preachers only, should suspend or remove from a Circuit any preacher or preachers whom they should think proper so to suspend or remove.

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Affidavit of Thomas Roberts, and Benjamin Tucker, both of the city of Bristol, Gentlemen. Sworn 20th of February, 1835.

Say, that they were members of the Wesleyan-Methodist Society, in said city of Bristol, in the years 1794 and 1795.

Deponent, Roberts, saith, that he was a Trustee of certain chapels, or preaching-rooms, in the said city, belonging to said Connexion, called the Old-room and Guinea-street chapel, respectively; and, as one of such Trustees took a lively interest and active part in the affairs of the said Connexion, and particularly in the disputes which originated in the said city, in the year 1794, and which afterwards spread throughout the whole of the said Connexion. And that such disputes related to the giving of the Sacrament, and to the preaching during church-hours in the chapels of the said Connexion, to both or which measures he, this deponent, and his co-trustees of the chapels aforesaid, were very much opposed.

And the said Benjamin Tucker, for himself, further saith, that he also took a very lively interest in the disputes aforesaid, being then a Leader and Steward of the Wesleyan Society in Bristol aforesaid, and that he was very anxious for the adoption of the measures aforesaid.

Say, that they feel persuaded and believe that the Articles of Agreement for General Pacification, made by the Conference of the said Connexion in the year 1795, were intended for the settlement of the disputes aforesaid, and were not intended, nor did any of the parties requiring or passing such rules desire or intend, that such rules should take from the regular District Committees of the said Conference, composed of preachers only, any power or authority in reference to the suspension, or removal from a circuit, of the preachers of the said Connexion, which such District Committees enjoyed and exercised before the passing of such Articles of Agreement.

Deponent, Thomas Roberts, saith, that he was one of the Trustees who assembled at the town of Manchester, at the time of the meeting of the said Conference in the year 1795, and who negotiated with the said Conference the said Articles of Agreement; and that, according to the best of his remembrance and belief, no such concession of such power, theretofore enjoyed by the said District Committee as aforesaid, was ever demanded by the said Trustees so assembling and negociating as aforesaid, nor its propriety or desirableness discussed in any meetings of the said trustees.

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Affidavit of George Marsden, of Liverpool, in the county of Lancaster, Wesleyan Minister. Sworn Feb. 21, 1835.

Saith, that he hath been a Travelling Preacher in the Wesleyan-Methodist Connexion for forty-one years and upwards, and is a legal member of the Conference of said Connexion, and hath been elected President of the said Conference; and that he, this deponent, hath necessarily been long and actively engaged in the affairs of said Connexion, and acquainted with the laws and usages thereof; and that he particularly remembers certain disputes which prevailed in said Connexion, in and about the years 1794 and 1795, re-

lating to the administration of the Sacrament, and to the holding of divine service during church-hours in the chapels of said Connexion; and that the Articles of Agreement for general pacification, passed by said Conference in the year 1795, were made for the settlement of such disputes. And deponent believes, and is fully persuaded, that it was not the intention of said Conference, either by the fifth or any other of the said Articles of Agreement concerning discipline, to enact and provide that no preacher should, in any case, be suspended or removed from his Circuit by any District Committee, except he had the privilege of the trial mentioned in the second of said Articles of Agreement concerning discipline; but only that no preacher should be so suspended or removed by any District Committee, except he had the privilege of such trial in the cases particularly mentioned in the said second of said Articles of Agreement.

Saith, that he has been informed of the construction which said plaintiff, Samuel Warren, hath put upon said fifth Article of Agreement concerning discipline: and this deponent is of opinion that such construction is utterly disproved, both by the true and careful consideration of all said Articles of Pacification taken together, and by the circumstances and reasons of the making and passing of such articles; and, by a reference to the established and essential rules of said Connexion, both as to its doctrines and discipline, and by the usage of said Connexion, which this deponent says hath ever been to allow and recognise the suspension of preachers by District Meetings composed of preachers only.

*** The above affidavit is also sworn to by the Reverend Messrs. Jonathan Edmondson, Richard Reece, and George Morley.

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Affidavit of William Tynney Johnson, of Manchester, in the county of Lancaster, Glass-dealer; Edward Norris, of Manchester, aforesaid, Tobacconist; Eli Atkin, of Manchester, aforesaid, Druggist; Isaac Speakman, of Manchester, aforesaid, Collector; Robert Athow West, of Manchester, aforesaid, Clerk; Joseph England, of Manchester, aforesaid, Painter; John Marsden, aforesaid, flour-dealer; James Wood, of Manchester, aforesaid, Merchant; and John Burton, of Manchester, aforesaid, Merchant. Sworn 19th February, 1835.

Deponents severally say, that they, respectively, are either Trustees or Stewards belonging to the Wesleyan-Methodist Society in the first Manchester Circuit, and that they, deponents, earnestly deprecate the restoration of plaintiff, Samuel Warren, to the pulpit of the Chapel mentioned in plaintiff's bill of complaint, because deponents feel persuaded that such reinstatement would be attended with the most disastrous consequences to the Wesleyan-Methodist Societies, and congregations in the said Circuit, inasmuch as said Samuel Warren hath taken such proceedings, and avowed such opinions, as, in the opinion of deponents, render him totally unfit to be the Superintendent Preacher of the said Circuit.

Believe, that the agitation, occasioned by the recent proceedings of said Samuel Warren is beginning to subside, and that, were he now restored to said pulpit, that restoration would only tend to keep alive such agitation.

Say, that in their opinion the interests both of the said Trustees and congregations, and of the Chapel Trusts in the said Circuit, would be most effectually promoted by said Robert Newton's continuing to preach in said Chapel, pursuant to what they believe to be the legal and valid appointment of the President of the Conference in that behalf.

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Affidavit of Samuel Warren, of 52, Great Coram-street, Russell-square, London, Esq. Sworn 24th February, 1835.

Saith, that on Saturday, 21st of February last, he was informed by his father, the Rev. Dr. Warren, one of the plaintiffs in this suit, that he had just returned from a long interview with the Rev. Henry Moore, who is, as deponent believes, the oldest Wesleyan Travelling Preacher now living, being upwards of eighty years of age, and who was the intimate and confidential friend of the late Rev. John Wesley, and was one of the three legatees of all the manuscripts of him, the said Rev. John Wesley, who subsequently became his biographer.

That the said Rev. Henry Moore was always considered a man of very great ability, learning, and respectability of character, and as such he had great influence throughout the whole Methodist Connexion, as well with the people as with the preachers, and that he is now the sole survivor of the Committee of nine preachers who framed the Articles for a General Pacification, entered into between the preachers and the people of the said Society upon the dissensions existing between them in the year 1795.

That, at such interview, a long conversation passed between the said plaintiff, Samuel Warren, and Henry Moore, touching the said Articles of Pacification; and said plaintiff, Samuel Warren, thereupon, in the presence and at the house of deponent, committed to paper the substance of what the said Henry Moore had stated respecting such Articles of Pacification, and of his, said Henry Moore's, sentiments and opinions thereon.

That the following is a true and correct copy of what was then written down by said plaintiff, Samuel Warren: "That Mr. Moore was one of the nine preachers who drew up the Plan of the Pacification; that it originated with the preachers, who, in consequence of disputes relative to the administration of the Lord's Supper, Baptism, &c., were ready to exclude each other from the Connexion. That from this arose the question, with whom ought the power to reside, to suspend, or remove a preacher, and to supply his place. That Mr. Moore argued that if it were vested in Trustees alone, they might be partial; if in the preachers, they might become tyrannical. To place the question on its right issue, he contended that it ought to reside in the conjoint judgment of all the Trustees, Stewards, and Leaders, together with

the Preachers, to pronounce upon the case whether any preacher put upon his trial were guilty, and ought to be suspended or removed from his Circuit. The reason why all the Trustees, Stewards, &c. in the Circuit were concluded upon was, that otherwise the Trustees of one Chapel might eject a preacher from their Chapel, whilst those of another would not. As therefore a preacher is appointed to an entire Circuit, the official members of the whole Circuit ought to have a voice in his trial, and determine his case by a majority of such a meeting.

"Saith, that, on the morning of the 23d day of February instant, and before he had seen any of the affidavits of the said defendants, or been in any way apprised of their contents, he took the above statement in the handwriting of said plaintiff, Samuel Warren, to said Henry Moore, and carefully, deliberately, and distinctly read the same over to said Henry Moore, and asked him if said statement was a just and faithful account of the conversation which had taken place between him and Dr. Warren: which said Henry Moore not only readily admitted, but with great energy and emphasis repeated the sentiments therein contained, and represented to deponent, that such was the object and spirit of himself, and of the Committee appointed to frame said rules, in framing so much of said Articles of Pacification as referred to the trial and suspension of preachers.

"That he then requested said Henry Moore to verify said statement by making an affidavit to that effect in this cause on the part of said plaintiff, but that said Henry Moore declined to do so, alleging that he did not, at his very advanced period of life, wish any of his brethren to represent him as voluntarily mixing himself up in their quarrels, and that he had rather therefore not make any affidavit unless obliged so to do; but said Henry Moore at the same time stated, that he did not object to deponent's stating that such were his sentiments respecting the object, intention, and construction of said Articles for a General Pacification."

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Affidavit of Samuel Warren, of Manchester, Doctor of Laws. Sworn 24th February, 1835.

* * * *

Says, that he is acquainted with the Rev. Henry Moore, of Brunswick-place, City-road, London, who is one of the oldest preachers of the Wesleyan-Methodist Connexion, and has been President of the Conference, and who was one of the committee of the preachers appointed by the Conference of the year 1795, to settle the terms upon which the disputes then existing between the preachers and the people of said Connexion should be adjusted, and who is now the sole survivor of such committee.

Says, he has lately, and particularly on the 21st of this instant, Feb., conversed with said Henry Moore, respecting the suspension of deponent, and particularly respecting the legality of the tribunal by which deponent was attempted to be tried, and by which he has been suspended from the exercise of his ministerial functions.

Says, that he so conversed with said Henry Moore, in order to ascertain from him, as the sole surviving member of the committee which formed the Articles for a General Pacification, the specific object and intention of the committee in framing the rules and regulations respecting discipline.

Says, that said Henry Moore expressly and distinctly informed deponent that he, said Henry Moore, was one of the nine preachers who drew up the Plan of Pacification: that it originated with the preachers, who, in consequence of disputes relative to the administration of the Lord's Supper, Baptism, &c., were ready to exclude each other from the Connexion. From this arose the question with whom ought the power to reside, to suspend or remove a preacher, and to supply his place? That said Henry Moore then argued that if it were vested in trustees alone, they might be partial; if in the preachers, they might become tyrannical. To place the question on its right issue, he contended that it ought to reside in the conjoint judgment of all trustees, stewards, and leaders, together with the preachers, to pronounce upon the case, whether any preacher put upon his trial were guilty or no, to be suspended or removed from his circuit. The reason why *all* the trustees, stewards, &c. in the Circuit were concluded upon, was, that otherwise the trustees of one chapel might eject a preacher from their chapel, whilst those of another would not; as, therefore, a preacher is appointed to an entire circuit, the official members of the whole ought to have a voice on his trial, and determine his case by a majority of such a meeting.

Says, that said Henry Moore has been requested to make an affidavit on behalf of deponent in this cause, as to the object and intention of the committee in framing said Articles for a General Pacification as to discipline, which he declined to do, on the ground of his not wishing voluntarily to mix himself up in the controversy at present existing, but that he would do so if he should be compelled to do it, as this deponent has been informed and believes.

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Affidavit of John Mason, of City-road, in the county of Middlesex, Wesleyan Minister; John Gaulter, of Beaumont-street, Marylebone, in said county, Wesleyan Minister; Thomas Jackson, of Brunswick-place, City-road, in the said county, Wesleyan Minister; and Joseph Taylor, of Hackney, in said county, Wesleyan Minister; James Fildes, of Manchester, Grocer; and James Hedley, of the same place, Calico-printer, two of the defendants, sworn.

Say, that they have seen a copy or abstract of the affidavit of Samuel Warren, Esq., sworn in this cause, the 24th of February instant.

Deponents, John Mason, John Gaulter, Thomas Jackson, and Joseph Taylor, say, that, at the Conference of the Wesleyan-Methodist Connexion held in the year 1826, the Rev. Henry Moore, who had been the Superintendent, during the preceding year, of a Circuit in, and connected with, the city of London, was ordered by said Conference to leave such Circuit, he having been ap-

pointed for three successive years to the same Circuit, the whole time allowed by the Deed-poll constituting said Conference, and another preacher was appointed to be the Superintendent of said Circuit. That, notwithstanding such order and appointment of said Conference, said Henry Moore refused to remove from the said Circuit, and to leave the house in which the Superintendent Preacher of said Circuit usually lived, alleging that he had a right to occupy said house, under the will of the late Rev. John Wesley. That, in consequence of such disobeyal of said order and appointment of said Conference, a District Meeting of the London District, composed of preachers only, was called to consider the conduct of said Henry Moore, which meeting he was summoned to attend. That said Henry Moore neglected to attend the said meeting, but that nobody, as deponents believe, understood at that time that said Henry Moore neglected to attend said meeting, because he considered it illegally convened or constituted. That, in consequence of the neglect of said Henry Moore to attend said District Meeting, he was suspended from his office as a Travelling Preacher in said Connexion by said District Meeting; and that, at the next meeting of said Conference, said Conference approved and confirmed the proceedings of said District Meeting, but in consideration of the previous character of said Henry Moore, appointed him to another District of said Connexion.

Deponent, John Gaulter, saith, that said Henry Moore is not the oldest Travelling Preacher of said Connexion; but that the Rev. James Wood, who, as deponent hath been informed, hath sworn an affidavit in this cause, is such oldest Travelling Preacher; and that the statement alleged in said affidavit to have been made by said Henry Moore to said plaintiff, and to said Samuel Warren, Esq., are notoriously mistaken, and must have proceeded from the prejudice which has existed in the mind of said Henry Moore ever since his said suspension, against the power of District Meetings composed of preachers only, and from a failure in the memory of said Henry Moore.

Says, he has attended all the meetings of the Conference since the making of the Articles of Pacification in said affidavit referred to; and that said Henry Moore has also been present at nearly all such meetings; and that deponent believes, that scarcely one year has elapsed during that whole forty years in which some preacher has not been suspended by a District Meeting composed of preachers only; that the minutes of such District Meetings are always read at the annual meetings of said Conference; and that deponent believes, that said Henry Moore never before the period of his said suspension objected to such District Meetings as being illegally constituted; but, on the contrary, said Henry Moore has certainly frequently concurred with said members of said Conference in adopting and approving of such minutes.

Deponents, Fildes and Hedley, say, that the views now alleged to be taken by said Henry Moore, of the intention of the Committee who framed said Articles of Pacification, have already been shown in the affidavits sworn in this cause by these deponents and others, and particularly by Thomas Roberts and Benjamin Tucker, of the city of Bristol, gentlemen, to be contrary to the rational construction of said Articles of Pacification, to other rules of said Connexion, to the object for which District Meetings were first instituted, to the general system and spirit, and to the language of said Connexion, and to the evidence of many competent witnesses in that behalf; and that such views are obviously unfounded, on a reference to the disputes amongst the societies of said Connexion, in the city of Bristol, to settle and prevent the recurrence of which said Articles of Pacification were framed; for deponents submit, that it appears plainly, from said affidavits, that it was the trustees of the Old-room and Guinea-street Chapels in said city, who, if any body, were both tyrannical in their expulsion of said Henry Moore from the pulpit of such chapels, without any trial whatsoever, and partial in their allowing the other preachers appointed for that Circuit to preach in said chapels when they had so expelled the said Henry Moore; and that the whole drift and object of said Articles of Pacification was to prevent such tyranny and partiality on the part of trustees; at the same time, that, in certain cases, as was but just, a power was given, both to them and to the officers of the Societies, to bring a preacher to trial; and that, so far was it from the intention of the framers of said Articles of Agreement to protect a preacher against any possible tyranny on the part of the preachers, that the mode of trial of a preacher therein mentioned, is three times spoken of therein, not as a privilege to an accused preacher, but as a mode of trial to which he was to be subject and submit.

Submit, that, even although the statements of said Henry Moore were correct, yet that they can only apply to the cases mentioned in said Articles of Pacification, for that it is not alleged that said Henry Moore stated, that it was the intention of the framers of said Articles of Pacification positively to provide that no preacher should be suspended, except for the four offences specified in said Articles of Pacification; and if such were not the intention of the framers of said Articles of Pacification, these Deponents submit that said Articles of Pacification, whatever be the true construction of them, or any of them, do not relate to any other cases whatsoever.

Insist, that the statements of said Henry Moore, who was once suspended from his office of a Travelling Preacher, in confirmation of the case of said Plaintiff, Samuel Warren, who has now been suspended in like manner, are to be viewed in connexion with the facts that both said Henry Moore and said plaintiff, Samuel Warren, have repeatedly adopted and sanctioned both in Conference.

Believe, in District Meetings also, that construction of said Articles of Pacification which is taken by these deponents, is taken, as these deponents believe, by nearly all the preachers in said Connexion. and which, at all events, is uncontradicted by the affidavits of any others of said preachers in this cause, except that of said Henry Moore.

Say, that from said alleged conversation with said Henry Moore, it does not appear that

he argued, as is set forth in said affidavit of said Samuel Warren, Esquire, at any meeting of said Committee of Pacification; but that the arguments so used by said Henry Moore, were used in said conversation with said plaintiff, Samuel Warren, only.

Submit, that the case of the suspension of said Henry Moore, is a further illustration and confirmation of the arguments employed in the other affidavit filed by these deponents, and others, in this cause; that it could never be intended by said Committee of Pacification, to provide that a preacher should only be liable to suspension in the four cases therein mentioned; for these deponents submit, that the crime committed by said Henry Moore, for which he was so suspended as aforesaid, would not be triable before a District Meeting, constituted as mentioned in said Articles of Pacification; that according to the construction put upon said Articles of Agreement by said plaintiff, no preacher therefore could be suspended for such crime by any District Committee, and that if the preachers could thus refuse to obey the authority of the Conference, even in matters relating to their appointments to and removal from Circuits, the whole discipline of the Connexion would speedily be destroyed.

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Affidavit of Samuel Warren, of 52, Great Coram-street, in the county of Middlesex, and Edward Wetherall, of the Inner Temple, London, Gentleman. Sworn.

Severally say, that they did, on the evening of the 25th of February instant, go together to the residence of the Reverend Henry Moore, for the purpose of reading to him the affidavit of John Mason, John Gaulter, Thomas Jackson, Joseph Taylor, James Fildes, and James Hedley, sworn on the 24th February, 1835, in a certain cause in this Court, wherein Thomas Taylor, and others, were the plaintiffs, and James Fildes, and others, defendants.

Say, that they saw said Henry Moore, and that said Samuel Warren read over to him, distinctly and deliberately, said affidavit; and deponents say, that in allusion to, and explanation of, that part of said affidavit, which purports to be made by said John Mason, John Gaulter, Thomas Jackson, and Joseph Taylor, and to give the grounds of said Henry Moore's alleged suspension from the performance of the ministerial duties in his Circuit, in the year 1826, the said Henry Moore stated to these deponents, that having been authorised and empowered by the will of the Reverend John Wesley to preach during his, said Henry Moore's, natural life, in the New Chapel, at London, and, as such preacher, to reside in one of the houses attached to such chapel (as had been done by every one of the preachers named in said will who needed it), he refused to give up said chapel; although, and for that reason alone, a District Meeting of the London District, composed of preachers only, was called to consider his conduct, to which District Meeting he was summoned; that he did not neglect to attend such meeting, as stated in the said affidavit, but in a letter addressed to the Rev. Richard Watson, the Chairman of the District, he positively and distinctly refused to do so, and that he did so refuse, because he then considered, and distinctly stated, the said meeting to be an illegal meeting, having no power or authority whatever to suspend him, and having no right to interfere with the trusts of said will, and an abuse of every thing that was known in Methodism, and that he therefore did not attend such meeting, though he lived within a few yards of the place where the said District Meeting was held: that he afterwards heard, that the said District Meeting thereupon professed or pretended to suspend him from the performance of his duties as a Travelling Preacher in the said Chapel; that notwithstanding such alleged suspension, he continued to perform his ministerial duties in the said chapel, and to preach in said chapel, in every respect as he had theretofore done; but, for the sake of peace alone, he did not preach in any other chapel in his circuit, always, however, protesting that his suspension was utterly illegal. That some of said preachers after such alleged suspension waited upon the said Henry Moore in the vestry of said chapel, and threatened him that they would prevent his preaching therein; whereupon he informed them that if they put their threat in force, they would have to answer for it the next morning before the magistrates, and they thereupon desisted, and left him in the full enjoyment of said chapel, and did not further molest him therein, and that no further attempt was made to enforce said alleged suspension with reference to said chapel; that said Henry Moore sent to the trustees of said chapel, to know whether they intended to join with the preachers in the said suspension, but they answered that they had not and would not join said preachers, and that said Henry Moore should never be disturbed by them, and he continued to preach in said chapel undisturbed until the time of the then next Conference. That at the ensuing Conference they wished to try the said Henry Moore, but he refused to be tried because he refused to violate Mr. Wesley's will, and thereupon he retired from the Conference. That in a few days after said Henry Moore received a message from the Conference, that the disputes then or theretofore existing had been settled and arranged, and he was thereupon recalled and invited to take, and did, in the year 1827, take his seat in the said Conference, as he had theretofore done; that during the meeting of said Conference in 1827, a letter stating that a friend of said Henry Moore had heard that a preacher had written a letter stating that he, said Henry Moore, had acknowledged his fault, and had been forgiven; whereupon he, said Henry Moore, in open Conference, read said letter, and distinctly and indignantly repelled its statement as a gross falsehood, in the presence and hearing of said John Gaulter and the Conference, and at the same time added, that "he had acknowledged no fault, and had given up no right;" whereupon the said John Gaulter immediately got up and said, "We have settled this affair, and will not unsettle it."

Say, that in allusion to that part of the affidavit purporting to be made by said John Gaulter, and where it is alleged by him, the said John Gaulter, that the statements contained

in the affidavit made by deponent, Samuel Warren, in this cause, are notoriously mistaken and incorrect, and must have proceeded from the prejudice which is alleged to have existed in the mind of said Henry Moore, ever since his said suspension, against the power of the District Meetings composed of preachers only, and from a failure in the memory of said Henry Moore. he, said Henry Moore, on hearing the same read, instantly stated that he distinctly and clearly remembered the Plan of Pacification, and the meetings in which it was framed; and, in allusion to other parts of said affidavit, said Henry Moore stated, that those persons who now say "that preachers alone have power to suspend a preacher, can never have read, or thought over, the Rules of Pacification," or must wish to abolish them; that it was the unanimous intention of the framers of said Articles of Pacification, to repeal, and entirely do away with, the modes previously in use for the trial and suspension of preachers, and to provide specially that no preacher should be suspended, except for the offences, and after the mode of trial particularly specified, in said Articles of Pacification; that the Committee, who framed the Plan of Pacification, were unanimous in this, and that there was not upon that point one dissentient voice amongst them; that it was the object and intention of the framers of said Articles of Pacification, and the spirit of the Articles themselves, as framed by them amongst other things, to protect the preachers from the trustees, and from their brethren the preachers; that the preachers only should not have the power to suspend a preacher for any cause, as such power, if it existed, might be put in force from personal and vindictive feelings; that he, said Henry Moore, had never, in any instance, adopted or sanctioned, either in Conference or at District Meetings, the construction put upon said Articles of Pacification, by said deponents, John Mason, John Gaulter, Thomas Jackson, Joseph Taylor, James Fildes, and James Hedley, further or otherwise than that he has been present at the Conference when the Minutes of the suspension of a preacher have been read, and such suspension not having been objected to, or appealed from, by the suspended preacher, and said Henry Moore knowing nothing of the merits of the case, he did not interfere therewith; that he always protested against the alleged legality of such a proceeding, both in Conference and in conversations elsewhere, whenever he heard of an instance of a preacher having been tried, or suspended, by a District Meeting, composed of preachers only; and his own impression was, whenever he heard the subject mentioned, that if ever a preacher submitted to be suspended by the preachers only, his submission was on the ground of conscious guilt, and because an appeal to the tribunal appointed by the Rules of Pacification would be only a further exposure of his guilt, and not (as far as said Henry Moore believed) on the ground of acquiescence in the legality of such a tribunal, or from ignorance of the mode laid down in the Rules of Pacification for the trial of preachers.

That in open Conference in the year 1834, at which Conference said John Gaulter, Thomas Jackson, John Mason, and Joseph Taylor, were present, he, said Henry Moore, distinctly and publicly, and in the hearing of said last-named persons, stated that the trial of a preacher of the name of Joseph Rayner Stephens, who had been suspended by a District Meeting at Manchester, was illegal, and that said meeting had no right to suspend him upon such a trial.

That, if the preachers are to have the power assumed by them of separately suspending a preacher, it always was, and is, his firm persuasion, that the liberties of preachers and the peace of the Connexion are for ever at an end.

That said Henry Moore further observed, that he had repeatedly stated to the preachers since the suspension of plaintiff, S. Warren, that if the preachers persevere in doing so, and if it is confirmed by the Court, not a preacher in the Connexion will be safe from the likings and dislikings of his brethren; that he had repeatedly told them all, and very lately in the presence of Jabez Bunting, said John Gaulter, John Mason, Thomas Jackson, and Joseph Taylor, "that they all had a sword hanging over their heads; that their own tyranny which they might exercise over one another would be the worst they would have to fear; that they had no right to do what they pleased in such matters; that a man's character and livelihood should not, after many years' labour, be ruined at their will; that they (meaning the framers of the Rules of Pacification) thought that the said rules gave the preachers a legal defence against one another," and said Henry Moore finally stated as follows:—"It is with great grief that I appear against my brethren in Court, but I do so for the safety of the preachers, and the peace of the Connexion; for it is my firm belief that if such a suspension as is contended for by the preachers be confirmed, there will be no peace in the Connexion for the future."

Say, that he, deponent, Samuel Warren, requested and urged said Henry Moore to make an affidavit of the foregoing facts, but which he refused to do, on the ground of his objection to interfere in the disputes of other persons, although he, said Henry Moore, solemnly and distinctly declared his aforesaid statement to be true and accurate in every respect, and which deponents, from the manner and character of said Henry Moore, verily believe to be the fact.

Say, that deponent, Samuel Warren, hath this day carefully and distinctly read over the whole of this affidavit to said Henry Moore, and that said Henry Moore acknowledged the accuracy of it so far as it represents his sentiments and opinions upon the Articles of Pacification, and the construction to be put upon them.

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Affidavit of William Smith, of Reddish House, in Heaton Norris, Lancaster, Cotton-spinner, sworn.

Saith, that he has for many years been a member of the religious society called Wesleyan Methodists, and is a trustee of six chapels in Stockport and the neighbourhood,

and that he has from his station in life, and the interest which he is known to have taken in the affairs of the Society, and in promoting its prosperity, been in constant communication with members and officers of the Society throughout the kingdom, since the illegal suspension of the Rev. Samuel Warren, on the subject of the dissensions which such suspension has given rise to; and this deponent is well acquainted with the extent to which the agitation has proceeded. That this deponent has read with very great astonishment the affidavits filed on the part of defendants in this cause, in which it is stated that the agitation in Manchester and other places is rapidly subsiding, and that it will subside entirely if said Samuel Warren be kept out of his pulpits; that deponent has had the best means of ascertaining the state of the Wesleyan-Methodist Society from very numerous inquiries he has made, and communications he has received, and says that, to the best of his knowledge and belief, 40,000 members of said society, and upwards, are determined to oppose the tyranny and encroachments of the preachers upon the rights conceded to the people in the years 1795 and 1797, and that the number is daily increasing; that during the last week, deponent has read no less than ten letters from various places to which deponent had no previous information of the agitation having extended, stating that the societies have come forward to resist the power now claimed by the preachers, and expressing their determination to resist them to the last; and deponent verily believes, that if the said Samuel Warren be not restored to his pulpits, and if the Plan of Pacification be not upheld with the construction which the said Samuel Warren and the people contend it ought to receive, there will be the utmost dissension and division throughout the Society, and the peace of it will be finally at an end.

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Affidavit of Samuel Warren, of Manchester, in the county of Lancaster, LL.D., the above-named plaintiff, sworn.

Saith, that he has read over the joint affidavit of John Mason and others, made in this cause, and sworn on the 24th day of February, 1835; and this deponent, in reference to that part of the said affidavit which purports to be made by John Gaulter, one of the defendants, wherein he states that he has attended all the meetings of the Conference since the making of the Articles of Pacification, and that he believes that scarcely one year has elapsed during the whole forty years in which some preacher has not been suspended by a District Meeting, composed of preachers only. This deponent saith, that he has attended the yearly Conference regularly for twenty-nine years last past, and was always a watchful and attentive observer of what passed, and took notes of anything that took place in Conference; that, moreover, he held an official situation in Conference for four years.

Says, that to the best of his recollection and belief, not more than eight or nine preachers have been suspended during the whole period of his attendance in the Conference, and that the great majority of those who have been so suspended, have been suspended for gross immorality; and that, if the persons so suspended had appealed from the sentence of suspension pronounced upon them on the ground of the illegality of the tribunal by which they had been tried, their guilt would only have been more generally exposed, and no good object attained, because they would not have been permitted to continue in the ministerial office.

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Affidavit of Richard Smith, of Stoke Newington, in the county of Middlesex, Russian Broker, sworn,

Saith, that he is a Trustee of five chapels in London, and its vicinity, and is well acquainted with the Rev. Henry Moore, named in the affidavits filed in this cause, and that he considers his mind to be very strong and powerful, and his memory remarkably good; and that so lately as on Sunday the 15th day of February instant, the said Henry Moore, in the presence and hearing of this deponent, preached at Stoke Newington, as appointed on the regular Preachers' Plan, a sermon quite equal to his usual sermons, which are distinguished for great intellectual power.

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Affidavit of Thomas Percival Bunting, of Manchester, county of Lancaster, Gentleman, sworn — 1835.

Saith, that he hath read a copy of the affidavit of John Mason, John Gaulter, Thomas Jackson, Joseph Taylor, James Fildes, and James Hedley, sworn the 24th of February, 1835, in this cause.

Saith, that he hath also read a copy of the joint affidavit of Samuel Warren, Esquire, and Edward Wetherall, sworn in said cause, in this present month of February, 1835.

Saith, that, immediately after reading the copy of the said last-mentioned affidavit, he, deponent, commenced a diligent and faithful search and inquiry as to the ground of suspension of the Rev. Henry Moore, from the performance of his ministerial duties in his Circuit in 1826; and, having had access to, and carefully looked at, the original Book of Minutes of London District, being the Minutes of several conversations between the preachers of the London District, from July, 1806, to 1832, he, deponent, finds therein written the Minutes of a special District Meeting of the First London District, held in the City-road chapel, November 2, 1826, whereby it appears that the Chairman at such meeting stated that he had called the preachers of the District together, at the instance of the Superintendent of the London North Circuit, Mr. Stephens, who complained that Mr. Moore, in violation of their discipline and usages, had continued to occupy the house in the City-road, which was rented of the Trustees by the Society, for the use of the Superintendent; and that all the means which had been adopted to induce Mr. Moore to surrender the house in his occupation had

failed; and that said Chairman further stated that he had apprised the said Henry Moore, by letter, of said meeting; and, having received an answer thereto, had written to him again, and informed him that the said Henry Moore was charged by his Superintendent with keeping him, such Superintendent, out of the house, and to which he, said Superintendent, was appointed by the Conference, and for which the Society of City-road paid rent to the trustees, and with doing violence to the discipline and usages of the body (meaning the body of the Wesleyan-Methodists), and that to investigate that charge, and to decide upon it, the preachers of the District had been called together, according to the notice previously sent; and that it appears by said Minutes, that, upon a full investigation of the case, the meeting unanimously came to certain resolutions, which were, *inter alia*, that whatever might be the nature of Mr. Moore's rights to officiate in the City-road Chapel, under Mr. Wesley's will, he was bound not only by his general obligations as a Methodist preacher, but also by his own engagement, entered in the Conference journal (Manchester, 1791), to use those rights in entire subservience to the Conference; and that, if he conceived that the last Conference had infringed upon any rights he supposes himself to have under Mr. Wesley's Will, it was his bounden duty to have submitted to its decision, and make his appeal to the ensuing Conference, and not oppose himself, in the mean time, to its appointments, to the obstruction and inconvenience of the superintendence, and the agitation and injury of the Circuit, all of which had resulted from his exclusion of the Superintendent from the house at City-road, and obliging him to go to lodgings; and that Mr. Moore have the space of one week to consider the request of his brethren to surrender the said house; and that he be desired to give his final answer within that period; and that, if after that delay, and all the persuasive means which have been used, and which in no ordinary case could have been adopted in a similar instance of the violation of the first principles of the discipline of the said Connexion, should the said Mr. Moore persist in the unhappy resolution of retaining possession of the said house, which belonged to the said Society as tenants, and to the occupation of which the Superintendent of the said Circuit was appointed by the said Conference, the said meeting felt themselves compelled to suspend Mr. Moore from his ministerial functions, as exercised under the authority of the Methodist Conference, so long as he continues to violate the discipline thereof, in excluding the Superintendent from his house, and thereby creating dissensions and agitations; and that, with respect to the City-road chapel, should Mr. Moore attempt to take the place of any preacher appointed by the Superintendent, the preachers should be instructed to offer him no resistance; and that, on Mr. Moore's giving possession of the house to the Superintendent, according to the rules of the said Connexion, the above suspension, conditionally inflicted. should be taken off, and the Superintendent be empowered to restore him to his place on the plan.

Saith, that in such Minute-book is written the Minutes of the Annual District Meeting, held in the City-road Chapel, April the 24th, 25th, and 26th, 1827, whereby it appears that the following, amongst other charges, were made against the said Henry Moore, and that advice thereof had been transmitted to him; namely,—That his continued occupation of the City-road house, to the exclusion of the Superintendent, to the incurring a large unnecessary expense, and in violation of the usages of the said Society, and his exercising his ministry, whilst under suspension, both in the City-road Chapel and in the country, contrary, in both cases, to the discipline of the said Society; and that it appears by the said Minute-book, that the said Annual District Meeting, resolved *inter alia*, That Mr. Moore's continuing to occupy the house rented by the Society for the Superintendent, in opposition to the entreaties and remonstrances of his brethren of that Circuit, and also of that District when assembled, especially in November then last, and for the object of compelling a third party, the trustees of the new chapel, to concede to him another house for his residence, is an unjust occupation of property, to which he has even no pretence of right, and is also so violent a breach of discipline, and so contumacious a resistance to the rules of the Body, as, whilst persevered in, admits of no compromise, so that whilst Mr. Moore continues thus to exclude the Superintendent from his proper residence, he voluntarily, and by his own act, alienates himself from his brethren; and that the said meeting felt it to be its painful duty to continue Mr. Moore's suspension until the Conference, unless Mr. Moore should, in the mean time, to a Committee of the said Annual District Meeting, consisting of the Chairman, Mr. Stephens, Dr. A. Clarke, and Mr. Gaulter, express, in writing, his sorrow for the various breaches of discipline upon him, and for those misrepresentations of his case and of his brethren, in which he had so greatly departed from candour and fairness, should surrender the chapel-house to the Superintendent, engage to submit, in future, to the discipline of the Body, and pay the expenses incurred by Mr. Stephens, by being obliged to take furnished lodgings; in which case they, meaning the said Committee, should be allowed to restore him, the said Henry Moore, to the plan, thereby meaning, that said suspension would be taken off.

Saith, that said Special District Meetings respectively appear, by the Minutes thereof, to have been composed of preachers only, and that said Minutes appear to have been entered at or about the time they respectively bear date. Saith, that in the journals of the Conference, held at Manchester in 1827, on the case of the said Henry Moore, are the following resolutions:—"Resolved, first, That the Conference most cordially approves of the entire conduct of the Committee of the First London District, in the whole of Mr. Moore's case. Second, That the Conference strongly expresses its gratitude, for the wise, manly, Christian, and Methodistical conduct of the late President, Mr. Watson, during the transactions con-

nected with this painful business. Third, That on Mr. Moore's vacating, according to his proposal, the house in the City-road, for the use of the Superintendent of the Circuit, his suspension shall be immediately and entirely removed, and that he shall be appointed to one of the London Circuits. Fourth, That the Conference considers the persons nominated by Mr. Wesley's will to preach in the new chapel, City-road, London, as morally and Methodistically obliged to exercise their ministry under the entire direction of the Conference and of the Superintendent of that Circuit, and to be in all other respects subject to the discipline of the Body, according to their agreement with the Conference of 1791, to use all the rights and privileges given them by Mr. Wesley, in entire subservience to the Conference. Saith, that by the will of the Rev. J. Wesley, dated on or about the 20th of February, 1789, amongst other things, after reciting that he was empowered by a late Deed to name the persons who were to preach in the new chapel, at London,—the clergymen for a continuance; and, by another Deed, to name a Committee for appointing preachers in the new chapel at Bath, he did thereby appoint John Richardson, Thomas Coke, James Creighton, Peard Dickinson, Clerks, Alexander Mather, William Thompson, Henry Moore, Andrew Blair, John Valton, Joseph Bradford, James Rogers, and William Myles, to preach in the new chapel at London, and to be the Committee for appointing preachers in the new chapel at Bath.

Saith, that the said John Wesley died some time in or about the month of July, one thousand seven hundred and ninety-one.

Saith, that in the Journals of the Wesleyan-Methodist Conference, held in the year 1791, is contained a memorandum, and the words and figures, and to the purport and effect following:—viz., "We, the underwritten, being appointed by the will of the late Rev. John Wesley as a Committee to preach in, and appoint preachers for the new chapel in the City-road, London, and also the Methodist chapel in King-street, in Bath, do engage that we will use all the rights and privileges given us by Mr. Wesley, in the present instance, in entire subservience to the Conference. Signed, William Thompson, Thomas Coke, James Creighton, Alexander Mather, Henry Moore, John Valton, Joseph Bradford, Andrew Blair, William Myles, James Rogers, Peard Dickinson.'

Saith, that, immediately upon seeing said affidavit, he himself proceeded to make, and has made, a faithful and diligent search into the Journals of said Conference, duly signed by the President and Secretary thereof, in order to ascertain therefrom, as accurately as possible, in how many instances a preacher had been suspended or removed from his Circuit, without having been tried by a District Meeting constituted as is mentioned in the second of the Articles of Agreement for General Pacification concerning discipline, made by the said Conference in the year 1795; and that deponent has ascertained, by these means, and by comparing the evidence so afforded with the express verbal testimony of divers individuals personally cognizant of the facts of each case, that, since said year 1795, at least seventy instances have occurred of such suspension or removal from a Circuit of a preacher by a District Meeting, constituted as is mentioned in such Articles of Agreement as aforesaid, but composed of preachers only; and that, within the period aforesaid, only three years have occurred, being those between the intervals of Conference in 1799 and 1800, 1808 and 1809, and 1819 and 1820, in which some preacher has not been so suspended by a District Meeting composed of preachers only.

Says, that he is able and ready to state the names of the preachers so suspended, and of the years in which, and of the various Preachers' District Meetings by which they have been so suspended, were it not that many of the parties so suspended are still living, and some of them now respectable ministers in said Connexion; and, he believes, that if he had more time to prosecute his inquiries, many more instances of suspensions and of removals from a Circuit of preachers by District Meetings composed of preachers only, would easily be ascertained; and, on a reference to their book, containing the minutes of said London District, deponent finds, that said Henry Moore himself was present at a Preachers' District Meeting which sanctioned and confirmed the suspension of a travelling preacher in 1813, and at a another Preachers' District Meeting which did itself suspend a travelling preacher in 1814; and that it appears, from the minutes of such last-mentioned several District Meetings, that said Henry Moore was concurrent with, and heartily consenting to, such their proceedings.

FINIS.

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